

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION**

**Latasha Holloway, et al.,**

**Plaintiffs,**

**v.**

**City of Virginia Beach, et al.,**

**Defendants.**

**Civil Action No. 2:18-cv-0069**

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**Defendants' Memorandum of Law in Support of Motion for Summary Judgment**

**EXHIBIT TEN**

Deposition Transcript of Georgia F. Allen

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION

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LATASHA HOLLOWAY and GEORGIA ALLEN,

Plaintiffs,

CIVIL ACTION NO.  
2:18-cv-00069

v.

CITY OF VIRGINIA BEACH, et al.,

Defendants.  
-----

DEPOSITION UPON ORAL EXAMINATION  
OF GEORGIA F. ALLEN,  
TAKEN ON BEHALF OF THE DEFENDANTS

Virginia Beach, Virginia

September 12, 2019

Appearances:

CAMPAIGN LEGAL CENTER

By: ANNABELLE HARLESS, ESQUIRE  
CHRISTOPHER LAMAR, ESQUIRE  
ERIN CHLOPAK, ESQUIRE  
Counsel for the Plaintiffs

OFFICE OF THE VIRGINIA BEACH CITY ATTORNEY

By: CHRISTOPHER S. BOYNTON, ESQUIRE  
GERALD L. HARRIS, ESQUIRE  
Counsel for the Defendants

## I N D E X

DEPONENT	EXAMINATION BY	PAGE
GEORGIA F. ALLEN	Mr. Harris	3

## EXHIBITS

NO.	DESCRIPTION	PAGE
1	Google map	14
2	Virginia Beach, Virginia map	14
3	Virginia Beach, VA Illustrative 10 Districts Plan	19
4	Expert Report of Anthony E. Fairfax, Response to Peter Morrison's Report, 8/26/19	22

1                   Deposition upon oral examination of  
2   GEORGIA F. ALLEN, taken on behalf of the Defendants  
3   before Juanita Harris Schar, CCR, RMR, CRR, a Notary  
4   Public for the Commonwealth of Virginia at large,  
5   commencing at 9:03 a.m. on September 12, 2019, at  
6   the Office of the Virginia Beach City Attorney,  
7   Building 1, 2401 Courthouse Drive, Virginia Beach,  
8   Virginia; and this in accordance with the Federal  
9   Rules of Civil Procedure.

10                   - - - - -

11                   GEORGIA F. ALLEN, affirmed and deposed on  
12   behalf of the Defendants as follows:

13                   EXAMINATION

14   BY MR. HARRIS:

15               Q.     Good morning, Ms. Allen. My name is  
16   Jerry Harris. I represent the City of Virginia  
17   Beach and the other named defendants in the lawsuit  
18   of Latasha Holloway and Georgia Allen as plaintiffs  
19   versus City of Virginia Beach, et al., defendants,  
20   in the United States District Court for the Eastern  
21   District of Virginia, bearing Case No. 2:18-cv-69.

22                   You are Georgia Allen, the plaintiff in  
23   that case, ma'am?

24               A.     Correct. Yes.

25               Q.     And you are the plaintiff as to the



1 amended complaint in that case?

2 A. That is correct.

3 Q. All right. Ms. Allen, can I ask you --  
4 is it Ms. Allen? I want to be polite.

5 A. It is Ms. Allen.

6 Q. Ms. Allen, have you been deposed before?

7 A. No.

8 Q. In that case, let me go over a few  
9 things I like to call guidelines that will help our  
10 time together to go more efficiently and hopefully  
11 get to where we both need to go.

12 I'm going to do my best to ask my  
13 questions completely so that you can understand  
14 them, and then I will give you the opportunity to  
15 answer your questions fully. The reason we like to  
16 do that is because we have a court reporter here  
17 who's taking down every question. So you can  
18 imagine the physical transcript where I ask a  
19 question and then you'll have an opportunity to  
20 respond.

21 Also, as part of that, I'll ask you to  
22 give your answers verbally because things like  
23 uh-huh or uh-uh or head shakes don't always show up  
24 well on a transcript.

25 If for any reason my question is

1 difficult to understand, if you don't understand  
2 what I'm asking or it's otherwise confusing, please  
3 ask me to clarify and I will certainly do so. I can  
4 tell you my streak is 100 percent for asking a  
5 confusing question in a deposition and,  
6 unfortunately, I don't expect that streak to change  
7 today. So please clarify or ask for clarification  
8 if you need it.

9 With that being said, if you answer my  
10 question, I'm going to assume you understood it.

11 Finally, I like to tell everybody, you  
12 are under oath today. I will expect that your  
13 answers were given truthfully to the best of your  
14 ability with all the knowledge that you possess  
15 today.

16 Do those things sound reasonable to you?

17 A. Yes.

18 Q. All right. Is there any reason you  
19 can't answer my questions truthfully today to the  
20 best of your ability?

21 A. No.

22 Q. Ms. Allen, will you state your full name  
23 for the record, please?

24 A. Georgia -- you want my middle name?

25 Q. Yes, please.

1           A.     Georgia Fay Allen.

2           Q.     Before we go further, I also forgot the  
3 most important guideline. If at any point you need  
4 a break, let me know. I know -- we have water here  
5 for you now, but if you need a comfort break, if we  
6 go for an hour and you'd like to stand up and  
7 stretch your legs, I'm perfectly happy to  
8 accommodate you in that way. The only thing I would  
9 ask is that we finish the question that we're on and  
10 then we'll allow you to have a break. This is your  
11 deposition. I don't want it to be any more  
12 uncomfortable than it otherwise has to be as part of  
13 this litigation process.

14                   Can I ask you, ma'am, did you prepare  
15 for this deposition today by reviewing any  
16 documents?

17                   MS. HARLESS: So I'm just going to  
18 object to the extent you're calling for privileged  
19 information. There may be -- anything that was  
20 shared that is privileged with her by her attorneys,  
21 I'm going to instruct her not to answer that  
22 question.

23 BY MR. HARRIS:

24           Q.     You can answer yes or no.

25           A.     Yes.

1 Q. For any documents that you reviewed, did  
2 you review any of them outside of the presence of  
3 your attorney?

4 A. No.

5 Q. And in preparing for your deposition  
6 today, did you speak with Mrs. Holloway?

7 A. Can you clarify?

8 MR. BOYNTON: Give the full name.

9 BY MR. HARRIS:

10 Q. Latasha Holloway. In preparing for  
11 today's deposition, did you discuss the deposition  
12 with Ms. Latasha Holloway?

13 A. No.

14 Q. Do you know Ms. Latasha Holloway?

15 A. Yes.

16 Q. Can you tell me how you know her?

17 A. I think that we originally met on a  
18 campaign.

19 Q. Do you remember which campaign?

20 A. Let me think. Because I want to be  
21 truthful to the best of my knowledge.

22 MS. HARLESS: Take your time.

23 A. The second congressional campaign.  
24 There was an event at Dr. Francine's place and we  
25 all met. She was just trying to educate us about

1 the second congressional district.

2 BY MR. HARRIS:

3 Q. Ms. Holloway was?

4 A. She was.

5 Q. I want to clarify. Ms. Holloway was an  
6 attendee at that event?

7 A. We were both attendees.

8 Q. That was related to the second  
9 congressional campaign in what year?

10 A. There was an election last year, right?  
11 Was last year an election year or two years ago?

12 Q. Let me ask it a different way. Do you  
13 remember the candidates in the campaign?

14 A. I believe it was Scott Taylor, was one  
15 of the candidates, and I believe Shaun was one of  
16 the candidates. Shaun Brown. So there were a  
17 number of candidates.

18 Q. My recollection is that would have been  
19 2016. Does that sound about right?

20 A. Probably.

21 Q. Did you have any other interactions with  
22 Ms. Holloway since that campaign event and prior to  
23 your involvement as a plaintiff in this lawsuit?

24 A. I think this falls in the privilege.

25 MS. HARLESS: He said prior to your

1 involvement in this lawsuit.

2 A. No. No.

3 BY MR. HARRIS:

4 Q. So if I understand your testimony today,  
5 the only other time you've met -- the only time you  
6 would have met Ms. Holloway prior to your  
7 involvement in this lawsuit would have been that  
8 2016 campaign event?

9 A. That is the time that we met, yes.

10 Q. Ms. Allen, how long have you lived in  
11 the City of Virginia Beach?

12 A. Total time -- it's kind of sporadic  
13 because I was here and I moved and then I came back,  
14 but I originally came here in 1954.

15 Q. How long were you here in that -- you  
16 called it sporadic so let's break it up. 1954 until  
17 when in Virginia Beach?

18 A. '71.

19 Q. And then where did you move?

20 A. New York.

21 Q. How long were you in New York?

22 A. Three years.

23 Q. Did you return to Virginia Beach after  
24 New York?

25 A. Yes.

1 Q. So that would put you in about 1974?

2 A. Correct.

3 Q. And from 1974 until when were you in  
4 Virginia Beach again?

5 A. I want to say till around 1985 I  
6 relocated to the Washington, DC, Metro area.

7 Q. How long were you in the DC Metro area?

8 A. Till 1988 then I returned back to  
9 Virginia Beach.

10 Q. How long did you stay in Virginia Beach  
11 from 1988 until the next point where you may have  
12 moved?

13 A. Then in 1993, I lived in Belgium from  
14 '93 to '94.

15 Q. Did you return from Belgium to Virginia  
16 Beach?

17 A. Then I returned back to Virginia Beach.  
18 And I've been here ever since.

19 Q. So I would have that as a continuous  
20 residency in Virginia Beach from 1994 until present  
21 day?

22 A. Presently. I think I've covered it.

23 Q. Let me focus your attention on the most  
24 recent time frame, 1994 to 2019. Have you lived in  
25 a single residence during that time or have you

1 moved throughout the City of Virginia Beach?

2 A. I've lived in other homes. Lived in  
3 the -- lived in rental properties, one off of  
4 Holland Road for a minute. Uh-huh.

5 Q. From that time frame, 1994 to 2019, how  
6 many different neighborhoods would you say you lived  
7 in in Virginia Beach?

8 A. Probably three.

9 Q. Can you tell me the names of those  
10 neighborhoods, please?

11 A. I want to say Holland -- Holland --  
12 where it says Thomas Jefferson, I believe. I think  
13 one of the streets is like Thomas Jefferson. I  
14 think it's all of the people that wrote the  
15 Constitution, is on there or something.

16 Then I lived in Redwing -- yeah, Redwing  
17 area for a little while. And then I lived in  
18 Ashbrook. Then I moved into my home which I live in  
19 now, in 2003. I moved in, bought my home and moved  
20 there.

21 Q. I heard you say three neighborhoods, but  
22 then I think we named four places. So I want to  
23 clarify. You had mentioned the Holland address?

24 A. Uh-huh.

25 Q. The Redwing neighborhood?



1 A. Area.

2 Q. Or area.

3 A. Uh-huh.

4 Q. Ashbrook?

5 A. Ashbrook. I believe it's Ashbrook,  
6 which is right there on the Boulevard near --  
7 near -- across from Princess Anne High School.

8 Q. And then in 2003 you moved into your  
9 current address.

10 A. Yes.

11 Q. And you've lived there continuously  
12 since?

13 A. Since 2003.

14 Q. What is that address?

15 A. 4649 Merrimac, M-E-R-R-I-M-A-C, Lane.  
16 The ZIP is 23455.

17 Q. Do you know which City Council district  
18 that's in?

19 A. Council district was Kempsville, but I  
20 believe they moved me back into Bayside district.

21 Q. Can you give me a general idea where  
22 4649 Merrimac Lane is in the City of Virginia Beach?

23 A. It's off of Witchduck Road between the  
24 Aragona section and Independence Boulevard. So it's  
25 called Bayside Villas, is the name of the

1 development.

2 Q. Ms. Allen, you're registered to vote  
3 here in the City of Virginia Beach?

4 A. Yes.

5 Q. As a plaintiff in this case, have you  
6 had an opportunity to review the amended complaint  
7 that was filed in federal court?

8 MS. HARLESS: You have to answer.

9 A. Okay. I don't...

10 The -- the short amended request?

11 BY MR. HARRIS:

12 Q. I'm referring to the amended complaint  
13 that was filed --

14 A. Let me see.

15 Q. -- in federal court.

16 MS. HARLESS: Do you have a copy you  
17 could show her?

18 A. Do you have a copy?

19 BY MR. HARRIS:

20 Q. I'll let you flip through that. I'm not  
21 going to mark the amended complaint as an exhibit to  
22 the deposition.

23 MR. BOYNTON: There's no need to copy it  
24 12 times for future purposes.

25 A. I did review this. I just wanted to

1 make sure that it is the same document.

2 BY MR. HARRIS:

3 Q. So you're at least generally familiar  
4 with this filing with the court?

5 A. Yes.

6 Q. As part of this filing, there was a  
7 reference to an exhibit, what has been referred to  
8 as an illustrative district.

9 MR. HARRIS: If I can get these marked 1  
10 and 2.

11 (Allen Exhibit Nos. 1 & 2 were marked  
12 for identification.)

13 MS. HARLESS: Do you have other copies  
14 of that?

15 MR. HARRIS: I don't.

16 MR. BOYNTON: SO you can let her and  
17 counsel review them as long as they want to before  
18 we proceed.

19 MS. HARLESS: Take as much time as you  
20 need to look at that.

21 BY MR. HARRIS:

22 Q. Ms. Allen, let's start with what's been  
23 marked as Exhibit No. 1.

24 A. Okay.

25 Q. I will offer to you that this is a map

1 that I printed off of Google using the address 4649  
2 Merrimac Lane. Google produced that pin that's  
3 marked in red on the sort of right half of this  
4 document. Do you recognize that right pin as being  
5 approximately where 4649 Merrimac Lane is?

6 MS. HARLESS: To the best of your  
7 knowledge.

8 A. To the best of my knowledge, this is  
9 Jericho Road in this (indicating). To the best of  
10 my knowledge.

11 BY MR. HARRIS:

12 Q. Can you say the name of that road again,  
13 please?

14 A. This is Jericho Road right here  
15 (indicating).

16 Q. It also appears that the road that runs  
17 most closely to the red pin is Witchduck Road?

18 A. That is correct.

19 Q. All right. You know your address to be  
20 east of Witchduck Road?

21 MS. HARLESS: Objection, that -- form.

22 A. East and west...

23 MR. BOYNTON: Rephrase it.

24 BY MR. HARRIS:

25 Q. I'll rephrase the question. If you're

1 not familiar with east and west as on the exhibit as  
2 you're looking at it, you would agree with me that  
3 the road closest to the red pin is Witchduck Road?

4 A. That is correct.

5 Q. And the pin is to the right of Witchduck  
6 Road on the map?

7 A. That is correct.

8 Q. I'm now going to show you Exhibit No. 2,  
9 which I will offer to you was Appendix A to the  
10 amended complaint that you said that you had at  
11 least been generally familiar with.

12 There are two red stars on the top left  
13 of that exhibit. Can you identify for me which of  
14 those two red stars is your address?

15 A. Okay. Clarify, please. You're asking  
16 me to tell you that that's -- one of those stars is  
17 my address? Is that what you're asking me?

18 Q. I'm asking you to tell me whether you  
19 believe that one of those red stars is your address  
20 of 4649 Merrimac Lane.

21 MS. HARLESS: Objection. Calls for  
22 speculation.

23 BY MR. HARRIS:

24 Q. You can answer.

25 A. I can't say that's my address. I can

1 say the red star is close to my address. But I  
2 can't say that's my address.

3 MR. BOYNTON: Have her mark which star  
4 is closest.

5 BY MR. HARRIS:

6 Q. Ms. Allen, I'm going to ask you to use  
7 my blue pen and circle the star that you believe is  
8 closest to your address.

9 MS. HARLESS: I'm going to object to  
10 this because she just said she can't say for sure  
11 that's her address, but she can do it. I'm just  
12 putting my objection on the record.

13 A. (Draws.)

14 BY MR. HARRIS:

15 Q. Now, Ms. Allen, if I could just ask you,  
16 would you initial on just the bottom left corner of  
17 that exhibit in your handwriting?

18 MS. HARLESS: (Moved head up and down.)

19 A. (Complies.)

20 BY MR. HARRIS:

21 Q. Thank you.

22 For purposes of the record, it looks  
23 like you put a circle with a line over the red star  
24 closest to Aragona Boulevard?

25 A. That is correct.

1           Q.     Ms. Allen, the plaintiffs have disclosed  
2     an expert in this case by the name of Anthony  
3     Fairfax. Mr. Fairfax, I will tell you, produced two  
4     reports in this case, an initial report and a  
5     rebuttal report. Do you know if you've had an  
6     opportunity to see those reports?

7           A.     I don't recall.

8           Q.     If I showed you a copy of one of those  
9     two reports, would that help refresh your  
10    recollection if you've seen it?

11          A.     I can't say for sure.

12          Q.     All right. I'm going to ask you to just  
13    look at this document and see if that refreshes your  
14    recollection.

15                 MS. HARLESS: Before you feel you have  
16    to read the whole thing, I think his question was  
17    just whether you think you've seen it before. So if  
18    you feel like you can answer that.

19          A.     I don't recall. I do not recall. I'm  
20    trying to.

21                 I don't recall.

22    BY MR. HARRIS:

23          Q.     As a follow-up to that "I don't recall,"  
24    there is a distinction in my mind between, I can't  
25    recall whether I've seen it before, which would

1 leave open the possibility that you may have seen  
2 it, or, I have not seen that.

3 When you say, "I can't recall" are you  
4 leaving open the possibility you may have seen that  
5 document before?

6 A. I may have seen that document before.

7 Q. And, ma'am, I'm not trying to catch you  
8 up. I'm just trying to identify your familiarity  
9 with the document.

10 And there's another expert report that  
11 was also filed by Anthony Fairfax. It is even  
12 longer than the response, and as Ms. Harless  
13 correctly pointed out, my question is only whether  
14 you've seen this document before.

15 MS. HARLESS: I'm going to say for the  
16 record that the plaintiff had never been sent  
17 either -- by counsel either of these documents.

18 MR. HARRIS: Okay.

19 A. So I stand -- I don't recall.

20 (Allen Exhibit No. 3 was marked for  
21 identification.)

22 BY MR. HARRIS:

23 Q. Ms. Allen, I understand you've never  
24 seen, or you indicated you can't recall having ever  
25 seen Mr. Fairfax's report. I will offer to you this



1 was a map that was produced as part of that report.  
2 Similar to my questions relating to Exhibit 1 and 2,  
3 are you able to identify where your address on  
4 Merrimac Lane is or approximately is on that map?

5 A. No.

6 MS. HARLESS: I'm going to object  
7 because the plaintiff has stated she's never seen  
8 that map before, so...

9 MR. HARRIS: Are you instructing her not  
10 to answer?

11 MS. HARLESS: No. I'm putting my  
12 objection on the record.

13 A. Without streets, I can't.

14 BY MR. HARRIS:

15 Q. You can't say for sure whether your  
16 address is within that red shaded area?

17 A. I'm a street person so looking at lines,  
18 I cannot.

19 MR. BOYNTON: Can she confirm if this is  
20 Witchduck Road?

21 BY MR. HARRIS:

22 Q. You lived in Virginia Beach since, if I  
23 recall, 1994 to present --

24 A. (Moved head up and down.)

25 Q. -- continuously. Certainly, you're

1 familiar with interstate 264?

2 A. That's correct.

3 Q. And if I offered to you that this  
4 intersection here in the center of the map is the  
5 intersection of Virginia Beach Boulevard and  
6 Independence Boulevard, does that assist you in  
7 locating where Merrimac Lane may be on this map of  
8 Virginia Beach?

9 MS. HARLESS: Objection. Calls for  
10 speculation.

11 A. Where is that?

12 BY MR. HARRIS:

13 Q. I'm offering to you that this  
14 intersection of the two yellow roads just north or  
15 just above 264 is the intersection of Virginia Beach  
16 Boulevard and Independence Boulevard. With that  
17 information, are you able to identify where Merrimac  
18 Lane is on this map of Virginia Beach?

19 MS. HARLESS: Objection, form.

20 A. I cannot.

21 BY MR. HARRIS:

22 Q. So is it your testimony today you cannot  
23 identify Merrimac Lane as having -- or being within  
24 this shaded red area --

25 MS. HARLESS: Objection.

1 BY MR. HARRIS:

2 Q. -- on this map?

3 MS. HARLESS: Objection, form,  
4 misleading.

5 BY MR. HARRIS:

6 Q. Ms. Allen, can you identify Merrimac  
7 Lane as being inside this red shaded area on the  
8 map?

9 A. Without streets, no.

10 (Allen Exhibit No. 4 was marked for  
11 identification.)

12 BY MR. HARRIS:

13 Q. Ms. Allen, I'm now referring to Exhibit  
14 No. 4, which is the Expert Report of Anthony E.  
15 Fairfax, Response to Peter Morrison's Report. This  
16 is the document that you had an opportunity to  
17 review briefly just moments ago.

18 On Exhibit 4, I'm going to turn your  
19 attention --

20 MS. HARLESS: Hold on. Ms. Allen, did  
21 you get a chance to look at that as thoroughly as  
22 you'd like to look at it before you're asked  
23 questions about it? If you'd like time to look at  
24 it, you can have time to look at it.

25 A. Okay.

1 MS. HARLESS: She's never seen this  
2 document before so...

3 MR. BOYNTON: Give her an opportunity to  
4 review it.

5 BY MR. HARRIS:

6 Q. Do you need more time to look at it?

7 A. I would need more time to review it.

8 Q. All right. To assist you in your  
9 review, I will offer to you that the pages that are  
10 paper clipped are the pages where I'm going to draw  
11 your attention.

12 MS. HARLESS: Do you have additional  
13 copies of this?

14 MR. HARRIS: Of your expert's rebuttal  
15 report? Yes.

16 MS. HARLESS: That you're asking about  
17 in this deposition?

18 MR. HARRIS: I tell you what. Let's  
19 take a five-minute break. I'll produce copies. How  
20 many copies of the rebuttal report do we need?

21 MS. HARLESS: At least one.

22 MS. CHLOPAK: We can share.

23 MS. HARLESS: We can share. I mean we  
24 just need -- I need to be able to look at a copy.

25 MR. HARRIS: We'll go off the record.

1 I'll let you hold on to Exhibit 4 if that's okay.

2 (Recess)

3 BY MR. HARRIS:

4 Q. Ms. Allen, we took a brief break so that  
5 we could make copies of the Exhibit No. 4 that you  
6 were reviewing. Your counsel and I now have  
7 complete copies of that Exhibit No. 4. And you have  
8 turned to the first paper clip that I have placed on  
9 Exhibit No. 4, which is page 6.

10 MS. HARLESS: Can I just note, her copy  
11 of Exhibit 4 does not have the appendix. I just  
12 want to note that. The copy you gave me has the  
13 appendix. Hers doesn't. That's fine. I just want  
14 to put on the record it's the copy without the  
15 appendix.

16 BY MR. HARRIS:

17 Q. On Exhibit 4, the copy of the rebuttal  
18 report of Mr. Fairfax, on page 6, without the  
19 appendix, is where you're currently turned, which is  
20 where I do want you to turn your attention.

21 Before we took a break I was asking you  
22 if you have an ability to identify the Merrimac Lane  
23 address you've provided in this deposition on  
24 Exhibit No. 3. I'm going to ask you that same  
25 question for the map that's contained in Exhibit

1 No. 4 on page 6. It's titled: Virginia Beach  
2 Illustrative Plan Alt 1, Districts 1 and 2. Are you  
3 able to identify your Merrimac Lane address on that  
4 map?

5 A. I am not.

6 Q. Are you --

7 A. No.

8 Q. -- able to identify your Merrimac Lane  
9 address on that map as being in the red shaded area?

10 A. No.

11 Q. Are you able to identify on that map  
12 your Merrimac Lane address as being in the blue  
13 shaded area?

14 A. No. I cannot.

15 Q. If you would turn to page 7. There's  
16 another map that's titled, Illustrative Plan Alt 2,  
17 Districts 1 and 2. Are you able to identify your  
18 Merrimac Lane address on that map on page 7?

19 A. Clarification.

20 Q. On page 7, the map that I've just  
21 referenced, are you able to identify your Merrimac  
22 Lane address on that map?

23 A. No. I'm not able to.

24 Q. Are you able to identify your Merrimac  
25 Lane address on that map as being contained within

1 the red shaded area?

2 A. No.

3 Q. Are you able to identify Merrimac Lane  
4 as having -- being contained within that blue shaded  
5 area?

6 A. No. I cannot.

7 Q. I'm going to ask you to turn to the next  
8 page. There's another map on page 8. On page 8  
9 that map is referenced as Illustrative Plan Alt 3,  
10 Districts 1 and 2. On this map are you able to  
11 identify your Merrimac Lane address?

12 A. No. I cannot.

13 Q. Are you able to identify Merrimac Lane  
14 as being contained within the red shaded area on  
15 that map?

16 A. No.

17 MS. HARLESS: Objection, asked and  
18 answered.

19 A. Uh-huh.

20 BY MR. HARRIS:

21 Q. You can answer the question.

22 A. No, I cannot.

23 Q. Are you able to identify Merrimac Lane  
24 as being contained within the blue shaded area?

25 MS. HARLESS: Objection, asked and

1 answered.

2 A. No, I cannot.

3 BY MR. HARRIS:

4 Q. You're moving yourself to page 9,  
5 telegraphing my next question. That map references  
6 Illustrative Plan Alt 4 on page 9 of this report as  
7 Exhibit No. 4. Can you identify your home address  
8 on Merrimac Lane on that map?

9 A. No.

10 Q. Can you identify Merrimac Lane as being  
11 contained within the red shaded area on that map?

12 MS. HARLESS: Objection, asked and  
13 answered.

14 MR. BOYNTON: No.

15 MS. HARLESS: She just said she can't  
16 identify her address anywhere on the map.

17 MR. BOYNTON: Well, she can be specific  
18 about inside or outside the colors, too.

19 BY MR. HARRIS:

20 Q. I'm asking if you can identify Merrimac  
21 Lane generally on the red shaded area in that map.

22 MS. HARLESS: Objection, asked and  
23 answered.

24 You can answer.

25



1 BY MR. HARRIS:

2 Q. You can answer the question.

3 A. No, I cannot.

4 Q. If you would turn the page one more  
5 time.

6 On page 10 there's a map referenced as  
7 Illustrative Plan Alt 5. On this map are you able  
8 to identify your home address on Merrimac Lane?

9 A. No. I cannot.

10 Q. On this map can you identify Merrimac  
11 Lane within the red shaded area?

12 MS. HARLESS: Objection, asked and  
13 answered.

14 A. No, I cannot.

15 BY MR. HARRIS:

16 Q. Based on what I've just shown you in  
17 Exhibits Nos. 3 and 4, specifically Exhibit No. 4's  
18 paper clipped area, that is all the maps that we've  
19 talked about --

20 MS. HARLESS: Is that pages 6 through  
21 10?

22 MR. HARRIS: Pages 6 through 10, yes,  
23 ma'am.

24 MS. HARLESS: Of Exhibit 4.

25

1 BY MR. HARRIS:

2 Q. -- can you identify on any of these maps  
3 whether you actually live in the red shaded area?

4 MS. HARLESS: Objection, asked and  
5 answered.

6 A. No.

7 BY MR. HARRIS:

8 Q. Ms. Allen, what do you do for a living?

9 A. I'm actually semi-retired. Okay? So  
10 occasionally I work with OneAmerica, which trades as  
11 Anchor Financial Services.

12 Q. Being that you're semi-retired, does  
13 that mean you work in a part-time capacity with that  
14 group?

15 A. No, I work when I feel like it. You  
16 know, so, you know, maybe twice a year.

17 Q. Prior to retiring or semi-retiring, what  
18 did you do for a living?

19 A. I was in the financial services  
20 industry.

21 Q. I want to reference your most recent  
22 time frame in Virginia Beach, 1994 to 2019. Did you  
23 work in the financial services industry in Virginia  
24 Beach for that entire time frame?

25 A. No. I did not.

1 Q. Can you talk to me about what your  
2 employment history was during that time frame 1994  
3 to 2019 in Virginia Beach?

4 A. I was in the cellphone industry for that  
5 period of time.

6 Q. From 1994 to 2019?

7 A. Not 2019. Till 2011, I believe. 2010,  
8 2011. Uh-huh.

9 Q. Would it have been in 2010 or '11 that  
10 you moved to the financial services industry then?

11 A. Correct.

12 Q. And you worked in the financial services  
13 industry up until, to use your phrase, you  
14 semi-retired?

15 A. Until 2016.

16 Q. Let's go back to the time frame from  
17 1994 until 2011 where you said you worked in the  
18 cellphone industry.

19 A. Uh-huh.

20 Q. Who were your specific employers during  
21 that time frame?

22 A. It changed names a number of times. So  
23 it started out 360 Communications, then AllTel.  
24 Then Verizon.

25 Q. Did you physically work in Virginia

1 Beach?

2 A. That is correct. Yes.

3 Q. These weren't offices in Norfolk,  
4 Portsmouth, Newport News?

5 A. No.

6 Q. Do you recall -- well, let me ask you  
7 this. Was it the same office even though the names  
8 changed, or did you move offices as the names  
9 changed?

10 A. We only moved offices once. We were at  
11 One Columbus Center. One Columbus Center,  
12 initially, under 360 Communications. And then we  
13 were at 240 Clearfield Avenue under AllTel, Verizon.

14 Q. I want to move your attention to 2016  
15 when you made the switch to the financial services  
16 industry. Who was your specific employer at that  
17 time?

18 A. I initially started working with First  
19 Command.

20 Q. Do they maintain offices here in  
21 Virginia Beach?

22 A. In Virginia Beach. Lynnhaven Parkway.

23 Q. Did you stay with First Command or did  
24 you leave that employment and go to another  
25 financial services job?

1           A.     I left and got courted to go to another  
2     job.

3           Q.     Which job was that, ma'am?

4           A.     Mass Mutual.

5           Q.     Did they maintain an office in Virginia  
6     Beach where you worked?

7           A.     Yes.

8           Q.     Where was that?

9           A.     Town Center.

10          Q.     Approximately how long were you employed  
11     there?

12          A.     About a year.

13          Q.     If I'm keeping up with my timeline, that  
14     would be approximately 2015 to 2016?

15          A.     I didn't bring the dates.

16          Q.     Any reason to believe that approximation  
17     of 2015 to 2016 is incorrect?

18          A.     I don't recall.

19          Q.     During the same time, 1994 to 2019, for  
20     which you've now described your employment history,  
21     I understand you were also the president of the  
22     NAACP during that time frame at some point?

23          A.     From 2001 I became president.

24          Q.     How long was your tenure?

25          A.     Ten years. Ten years. Approximately

1 ten years.

2 Q. So from 2001 to 2011 approximately?

3 A. Approximately.

4 Q. And I should have clarified this. When  
5 I said the N-A-A-C-P, or N-double A-C-P, you were  
6 president of a particular branch?

7 A. Virginia Beach.

8 Q. I understand that to be an elected  
9 position?

10 A. That is correct. Yes.

11 Q. Prior to 2001 do you know who the  
12 Virginia Beach branch president was?

13 A. Sandra Smith-Jones.

14 Q. After 2011 who was the president after  
15 you were?

16 A. Carl Wright.

17 Q. C-A-R-L?

18 A. That is correct.

19 Q. W-R-I-G-H-T?

20 A. That is correct.

21 Q. Is he the current president of the --

22 A. No.

23 Q. Who is the current president?

24 A. Dr. Karen Hills Pruden. P-R-U-D-E-N.

25 Q. Is Hills Pruden hyphenated? If you

1 know.

2 A. I don't recall.

3 Q. Was there a president between Mr. Carl  
4 Wright and Dr. Karen Hills Pruden?

5 A. Gerald Daniels.

6 Q. Any other presidents that you're aware  
7 of between 2011 and present that we haven't already  
8 named?

9 A. No.

10 Q. I assume prior to 2001 when you became  
11 president you were still involved in the NAACP?

12 A. That is correct.

13 Q. Did you undertake advocacy on their  
14 behalf on issues in Virginia Beach?

15 A. I worked with the youth during that  
16 period of time.

17 Q. What time frame would you put on that  
18 period?

19 A. I have to check.

20 MS. HARLESS: No. You don't --

21 BY MR. HARRIS:

22 Q. I'm asking you just to the extent you  
23 recall as you sit here today.

24 A. I don't recall.

25 MS. HARLESS: And to the best of your

1 knowledge.

2 A. To the best of my knowledge.

3 I would say 1989, 1990.

4 BY MR. HARRIS:

5 Q. In the time in which you were the  
6 president from 2001 through 2011 did you know the  
7 NAACP to endorse City Council candidates for  
8 Virginia Beach?

9 A. No.

10 Q. Were there ever any formal endorsements  
11 that you're aware of during your time as  
12 President --

13 A. Not --

14 Q. -- of the NAACP?

15 A. Not that I'm aware.

16 MR. HARRIS: Let me -- let me finish the  
17 question.

18 MS. HARLESS: Make sure you let him  
19 finish.

20 BY MR. HARRIS:

21 Q. I don't want you to answer the wrong  
22 question.

23 A. I'm sorry. Go ahead.

24 Q. So during your time as the President of  
25 the NAACP, which we've identified as approximately



1 2001 through 2011, did you know the NAACP to endorse  
2 any candidate in any election?

3 A. Not to my knowledge.

4 Q. During your time as president from 2001  
5 to 2011 did you know the NAACP chapter in Virginia  
6 Beach to engage in any advocacy of City Council  
7 action?

8 MS. HARLESS: Objection to form. You  
9 can answer.

10 A. Not to my knowledge. That I can recall.

11 BY MR. HARRIS:

12 Q. As President of the NAACP, do you ever  
13 recall being involved in pushing for a referendum to  
14 change to a ward system in Virginia Beach?

15 A. Yes. I spoke before City Council.

16 Q. When you spoke before City Council did  
17 you do so or announce yourself as the President of  
18 the NAACP, or did you speak as Ms. Georgia Allen in  
19 your personal capacity, I'll say?

20 A. To the best of my knowledge, I spoke as  
21 Georgia Allen.

22 Q. Do you recall when you spoke before City  
23 Council referencing a referendum to change to ward  
24 districts?

25 A. To the best of my knowledge, I believe

1 it was around 2001.

2 Q. Are you aware that a referendum was in  
3 fact placed on the ballot in Virginia Beach  
4 referencing a change to a ward system?

5 MS. HARLESS: Objection to form.

6 BY MR. HARRIS:

7 Q. You can answer.

8 A. I don't recall.

9 MS. HARLESS: Are you asking for a  
10 specific year or just --

11 BY MR. HARRIS:

12 Q. I'm asking you if you are aware that a  
13 referendum was on the ballot in the City of Virginia  
14 Beach regarding a change to a ward system from the  
15 current at-large system.

16 A. I don't recall.

17 Q. Do you mean you don't recall it being on  
18 the ballot or you can't recall whether it occurred  
19 at all?

20 A. I can't recall either.

21 Q. Would it be fair to say then that you  
22 weren't involved in any advocacy beyond 2001's  
23 statement to City Council for change to a ward  
24 system?

25 MS. HARLESS: Objection to form.

1 Mischaracterizes the testimony.

2 A. Can you clarify your question, please?

3 BY MR. HARRIS:

4 Q. Yes, ma'am. You've referenced a time in  
5 which you spoke to City Council in approximately  
6 2001 relating to a change from the current at-large  
7 system to a ward system. Do you recall that  
8 testimony?

9 A. Yes. I recall speaking to City Council  
10 around the 2001 time frame. But I'm still confused  
11 by your question.

12 Q. Let's go with in 2001 when you spoke to  
13 City Council, were you advocating for a change from  
14 the at-large system to a ward system at that time?

15 A. Okay. In 2001 I recall speaking before  
16 Council to have a change in the formulation of the  
17 way the districts are drawn. Now...

18 Q. In your mind, is that different than a  
19 request for a referendum to change from at large to  
20 ward?

21 A. That is, in my mind, different.

22 Q. So your discussion in 2001 before  
23 Council, if I understand your testimony, was related  
24 to redistricting or redrawing boundary lines within  
25 the City of Virginia Beach?

1           A.     I believe that is correct.

2           Q.     Moving away from your 2001 statements  
3 before Council, as you sit here today, do you have  
4 an independent recollection of being involved in  
5 advocacy for a change from the current at-large  
6 system to a ward system in the City of Virginia  
7 Beach?

8           A.     Clarify that 'cause -- 'cause you're  
9 confusing me.

10          Q.     Let me state it this way. The City of  
11 Virginia Beach has had two referendums on the ballot  
12 in reference to a change from the at-large system to  
13 the ward system. I'm wondering whether you had any  
14 involvement in advocating either for or against  
15 those referendums.

16          A.     I cannot say specifically 'cause I'm  
17 not -- I don't see the items so I can't specifically  
18 say at this time.

19          Q.     What items didn't you see?

20          A.     What you just discussed. You said the  
21 City had two.

22          Q.     Two referendums on the ballot. Until I  
23 told you that, you were unaware that two referendums  
24 were on the ballot regarding at large versus ward  
25 systems?

1 MS. HARLESS: Objection to form.

2 Mischaracterizes the testimony.

3 A. I can't recall that -- to that detail  
4 specifically.

5 BY MR. HARRIS:

6 Q. Let me ask another clarifying question,  
7 Ms. Allen. When I use the phrases "at large" and  
8 "ward" system, let's define those terms. What do  
9 you understand an at-large system to be?

10 A. At large means you run in the whole,  
11 entire city.

12 Q. And a ward would be what?

13 A. You run in a specific district.

14 Q. And when I asked you about your  
15 understanding of whether there was a ward -- or a  
16 referendum to move to wards in the City of Virginia  
17 Beach, those are the definitions that you were using  
18 in your mind to answer that question?

19 A. That is correct.

20 Q. Ms. Allen, let me set aside the  
21 reference to referendums. In your personal capacity  
22 or in your official capacity as President of the  
23 NAACP or as a member of the NAACP, have you been  
24 involved in advocacy in the City of Virginia Beach  
25 for a change from at large to ward districts?

1 MS. HARLESS: Objection, asked and  
2 answered.

3 BY MR. HARRIS:

4 Q. You're looking at me as though you want  
5 me to rephrase my question.

6 A. Please.

7 Q. Okay. During your time in Virginia  
8 Beach, which we've defined most recently as 1994  
9 till present, have you been involved in advocacy for  
10 a ward system in Virginia Beach?

11 A. I'm concerned of how you're phrasing  
12 that. I'm unclear.

13 Q. Tell me what your concern is.

14 A. I answered your question.

15 Q. Respectfully, ma'am, I don't believe  
16 that you have, and I'm asking you, what is your  
17 concern about my question? And I see you're reading  
18 my notes here. I don't have the question written  
19 out, but my question, again, is, in your most recent  
20 tenure in Virginia Beach, 1994 to present, have you  
21 been involved for advocating a change -- excuse me,  
22 advocating for a ward system in Virginia Beach?

23 MS. HARLESS: Objection, asked and  
24 answered. If you're asking besides what she already  
25 testified to?

1 MR. BOYNTON: It's a different question.

2 MR. HARRIS: We're not going to do  
3 coaching or speaking objections.

4 BY MR. HARRIS:

5 Q. So you can answer the question or ask me  
6 to rephrase it.

7 A. Rephrase it.

8 Q. Have you been a proponent or an advocate  
9 for ward systems in Virginia Beach?

10 A. I have never spoken for a ward system in  
11 Virginia Beach. Read my -- read my testimony. I  
12 mean read my -- my comment to the City.

13 Q. I'm not referring only to comments to  
14 the City. I'm saying in a more general, broad  
15 sense, have you been an advocate or proponent for a  
16 ward system in Virginia Beach?

17 A. I have been a proponent of districts in  
18 Virginia Beach.

19 Q. Tell me what you mean by that.

20 A. People run in specific districts.

21 Q. As a proponent of districts, as you've  
22 defined it, can you tell me about some of the  
23 advocacy that you've been involved in?

24 A. Primarily speaking before City Council.  
25 I believe I had worked with the team to draw up new

1 districts.

2 Q. Approximately when was that?

3 A. I believe it was around 2001.

4 Q. Do you know the name Carolyn Lincoln?

5 A. Yes.

6 Q. How do you know Carolyn Lincoln?

7 A. Everybody knows Carolyn Lincoln.

8 Q. I'm asking how you know Carolyn Lincoln.

9 A. She's a person that lives in the City of  
10 Virginia Beach and I've seen her speak before  
11 Council.

12 Q. Are you aware that she was a plaintiff  
13 in a lawsuit filed against the City of Virginia  
14 Beach regarding its at-large voting system?

15 A. I am.

16 Q. Were you involved in that lawsuit?

17 A. No. Didn't know her at the time.

18 Q. So you wouldn't have provided deposition  
19 or other advice to counsel in those types of cases?

20 A. I can't say I knew Carolyn Lincoln till  
21 maybe -- I don't even know when I met her.

22 Q. That lawsuit was in 1997. Do you recall  
23 hearing about that lawsuit?

24 A. Yes.

25 Q. Tell me what you recall hearing about



1 it.

2 A. I heard she sued the City.

3 Q. Did you know it to be a claim of a  
4 violation of the Voting Rights Act?

5 A. I believe so. What is it, 1997?

6 Q. You mentioned you were involved in  
7 drawing or assisting -- perhaps -- let me rephrase  
8 that. You mentioned that you may have been involved  
9 in drawing proposed districts around 2001. Is that  
10 a correct summary of your testimony?

11 A. No.

12 Q. When you mentioned drawing districts,  
13 tell me what --

14 MR. BOYNTON: Advocating.

15 BY MR. HARRIS:

16 Q. Advocated for it. What was your  
17 involvement in these proposed districts?

18 A. At the time we were looking to have more  
19 representation, or fairer representation. And so at  
20 the time, as the president, I looked for someone who  
21 could assist us because that's my -- not my  
22 expertise in drawing lines.

23 Q. Did you eventually find someone who  
24 could assist you?

25 A. Dr. Wilson.

1 Q. That's Dr. Rudolph Wilson of Norfolk  
2 State?

3 A. That is correct.

4 Q. Was he hired to draw new districts?

5 A. He was a volunteer.

6 Q. Was he able to produce the districts  
7 back to you as the President of the NAACP?

8 MS. HARLESS: Objection to form.

9 A. I would think that he did. All of this  
10 took place so long ago. My land, I feel like I've  
11 gone through 50 years.

12 BY MR. HARRIS:

13 Q. Do you recall -- is it Dr. Wilson or --

14 A. Dr. Rudolph Wilson?

15 Q. Dr. Rudolph Wilson, do you recall him  
16 producing district maps?

17 A. We did have district maps, yes.

18 Q. Do you recall what was done with those  
19 district maps?

20 A. Can you clarify what you're asking  
21 there?

22 Q. You indicated that Dr. Rudolph Wilson  
23 produced district maps. I'm wondering, after he  
24 produced them, what happens next?

25 A. I'm still trying to get some

1 clarification. Do you mean did we file them away?

2 Q. What were Dr. Rudolph Wilson's maps used  
3 for?

4 A. We presented them to the City probably.  
5 But it's been so long ago.

6 Q. So you're not sure whether you submitted  
7 them to the City?

8 A. I cannot recall specifically what was  
9 done.

10 Q. Do you recall there being a lawsuit  
11 threatened in that same time frame related to the  
12 districts that Dr. Rudolph Wilson prepared?

13 A. I don't recall a threat of a lawsuit,  
14 no.

15 Q. There was a census conducted in 2010.  
16 As a result of that census, there was a  
17 redistricting done in the City of Virginia Beach.  
18 Did you participate or advocate for certain  
19 districts in that time frame? Around 2010.

20 A. To be honest, I really don't recall  
21 2010.

22 Q. Do you know the name Andrew Jackson?

23 A. Yes.

24 Q. Why do you know the name Andrew Jackson?

25 A. He was a member of the NAACP at a

1 particular time.

2 Q. Which time was that?

3 A. I don't recall dates.

4 Q. Was it while you were president?

5 A. It was during the period of time I was  
6 president, yes.

7 Q. Do you know if he presented any proposed  
8 districts as a result of the 2010 census?

9 A. I don't recall. To the best of my  
10 recollection, I cannot remember that.

11 Q. Other than the 2001 moment that we  
12 talked about where you spoke to Council, do you  
13 recall any other times where you've addressed City  
14 Council relating to voting rights or voting  
15 districts?

16 A. I don't recall.

17 Q. I was going to move to another topic  
18 area, but I know you had a meeting with your  
19 attorneys briefly. Would it help you to have a  
20 five-minute break?

21 MS. HARLESS: Want a break?

22 THE DEPONENT: Yes.

23 MS. HARLESS: Yeah, let's take a break.

24 (Recess)  
25

1 BY MR. HARRIS:

2 Q. Ms. Allen, I want to change topics a  
3 little bit. We've been talking about some of the  
4 redistricting and voting rights issues. I want to  
5 talk more broadly about the points of advocacy for  
6 the NAACP while you were the president. Can you  
7 tell me a little bit about what the priorities were  
8 of the NAACP in Virginia Beach while you were  
9 president?

10 A. Youth was a priority.

11 Q. What types of things for the youth?

12 A. Making sure that they got involved in  
13 the Youth Council and the ACT-SO program.

14 Q. Can you tell me about that? I'm  
15 unfamiliar with those.

16 A. Okay. The Youth Council is for students  
17 that are teenagers, you know, so from we say 12  
18 until 18. And so it's kind of like a parallel  
19 division to the adult branch and it's more or less a  
20 leadership-type program that we have for the youth.

21 And then the ACT-SO program is the Afro  
22 Cultural, Technological, Scientific Olympics, which  
23 focuses on identifying our students who have talent  
24 in the science, technology, et cetera. And we --  
25 the gentleman -- he's passed away now -- that put

1 that program together and funded it, he endowed it,  
2 he wanted young African American youth to focus more  
3 on education and to be recognized for focusing on  
4 education because it was so much emphasis on  
5 entertainment and sports. And so he wanted an  
6 Olympics of the mind and so that's why, you know,  
7 our skills were to focus our young people on their  
8 talents and skill sets that weren't necessarily in  
9 the area of sports.

10 Q. I'm sorry. I may have missed it. Who  
11 was the individual that endowed those Olympics?

12 A. His name was Vernon Jarrett, and he was  
13 out of Chicago, I do believe. And he endowed it to  
14 the national association to be put out throughout  
15 the whole, entire nation. And so we wanted to see  
16 our kids focus on that.

17 What's interesting is Pharrell came out  
18 of the Virginia Beach NAACP.

19 Q. So when you talk about that program,  
20 were there any metrics or measures for success in  
21 that program for these young adults?

22 A. They competed, yes. They competed, but  
23 I didn't handle the program per se. We had a whole  
24 group that handled the program. I just mainly, you  
25 know, encouraged the kids that were in my city to

1 get involved because we did it by area.

2 Q. And your area, if I understand the  
3 branch president, is specific to the physical  
4 boundaries of Virginia Beach?

5 A. Of Virginia Beach. Correct.

6 Q. Now, of course, you likely cooperate  
7 with some of the other local chapters; is that  
8 right?

9 A. That is correct.

10 Q. So during your time as president do you  
11 recall cooperating with other local chapters of the  
12 NAACP?

13 A. For the youth's sake, absolutely.  
14 Absolutely. We had areas.

15 Q. Why was it so important to you to have  
16 that --

17 A. Relationship?

18 Q. -- relationship with the other chapters  
19 and have the youth have that opportunity?

20 A. Because you want your kids to be  
21 successful.

22 Q. In addition to any youth programming  
23 that you've already described, what were some of the  
24 other priority advocacy points for you as President  
25 of the NAACP?

1           A.       Economics was a big issue as well.

2           Q.       Can you tell me what you mean by that?

3           A.       Economics in the City of Virginia Beach,  
4 I recall when I became president -- when I became  
5 president, I don't know if you remember but there  
6 was a park down on the beach and it was a big fight  
7 between building the park and building that hotel.  
8 That -- what's the name of that, Hilton?

9           Q.       At the 31st Street Hilton?

10          A.       At the 31st Street Hilton. There was a  
11 huge fight about that, and there was also a huge  
12 fight about putting up a convention center. And so  
13 my economic development chair at the time, we  
14 discussed this issue of a fight amongst the people  
15 in the east -- what is that, North End? East end of  
16 Virginia Beach and all of that stuff. And we didn't  
17 hear of any contracts coming to African Americans or  
18 other people of color so at the time we sent a  
19 message -- not a message but we sent a letter to the  
20 City of Virginia Beach to get the information with  
21 regards to how they spend their money and what the  
22 contracts look like.

23                   And at that time when we got the  
24 information back, we noticed when we looked down the  
25 list that the City of Virginia Beach had identified



1 a \$25 ticket to a Freedom Fund banquet as a contract  
2 with the African American community that was on  
3 there, and I believe the Urban League ticket was on  
4 there as well. And that kind of was very disturbing  
5 to see such a small amount of money being identified  
6 as a contract with a whole, entire community. And  
7 so at that point we looked at how can we ensure that  
8 the City of Virginia Beach is more economically just  
9 with the size of the population of the African  
10 American community. So \$25 did not sound like a  
11 favorable and a sincere way of dealing with a whole,  
12 entire community.

13 And so at that point in time our  
14 economic development team looked at ways that we  
15 could ensure that the City looked at their  
16 contracts, they looked at their subcontractors, and  
17 we began to identify what was being done with  
18 regards to the various communities.

19 Q. What types of things were done, if  
20 anything?

21 A. Well, initially, with regards to the  
22 convention center, they brought in a gentleman by  
23 the name of Mr. George Parker, and I believe the  
24 company was called Techcon at the time. I haven't  
25 spoken with him in years, but they brought him in

1 as, I want to say it was project manager. Keep in  
2 mind, this has been a long time ago.

3 Q. Do you remember about when? Sorry. I  
4 hate to keep asking you dates like that.

5 A. Oh, maybe my second year. 2002 time  
6 period.

7 Q. So early on in your time?

8 A. Early on, yeah. Early on. And so once  
9 they received the letter with regards to our  
10 concerns, they then met with us and we -- actually,  
11 we met with another person that has died, Jim  
12 Ricketts, who was at the time the head of the  
13 convention center, because we said, okay, let's --  
14 let's start with ensuring that there is fairness in  
15 this convention center. You're asking the taxpayers  
16 to contribute X amount of dollars.

17 And keep in mind, I'm trying to remember  
18 a lot of this because I haven't had to think about  
19 it. So my economic development chair, he did most  
20 of the work. Okay?

21 Q. Who was that?

22 A. That was Mr. Bruce Williams. I don't  
23 want to get confused with Bruce Smith. Bruce  
24 Williams was my economic development chair. And so  
25 we looked at, I want to say three -- two or three

1 areas. I know two specific. The third one I can't  
2 recall. But one was the new convention center that  
3 they were putting up, that there would be equity in  
4 terms of contracting through either the general  
5 contractor or the subcontractors.

6 The second thing was the hiring  
7 practices within the City of Virginia Beach. At the  
8 time that I came into office, I want to say Mr. Dan  
9 Stone, who was head of -- and he has also passed  
10 away. We've lost a lot of people. Dan Stone was  
11 the head of the Department of Social Services. It  
12 was still called Social Services at the time. It  
13 was not HHS, which I believe is what it is now. He  
14 was there. And then I went to a Fagan Stackhouse.

15 And again, this is 20 plus years ago so  
16 I want to say that they were the only two African  
17 Americans in the whole entire city with all the  
18 departments that we have and the number of employees  
19 that we have in the whole entire city in a  
20 directorship.

21 Q. Did you raise that concern?

22 A. Absolutely.

23 Q. Who did you raise it to?

24 A. We -- we brought it before City Council,  
25 I do believe. And again, this is over 20 plus years

1     ago.

2           Q.     Do you remember what, if anything, came  
3     of that?

4           A.     Like I shared, Mr. George Parker became  
5     the -- I want to say like a project -- kind of like  
6     a project director. I can't say specifically, but  
7     he looked at identifying potential African American  
8     contractors that -- or subcontractors that could  
9     support the convention center because that was like  
10    one of the biggest projects the City of Virginia  
11    Beach had had in a tremendous amount of years. You  
12    know.

13                   And then they built the Town Center, was  
14    the next huge project. I want to say it was the  
15    Town Center because the -- the -- the hotel, I want  
16    to say that was like a public-private partnership.  
17    It wasn't the same as the convention center in the  
18    building of the Town Center. That was different.  
19    And don't ask me how because that is not my level of  
20    expertise, so I'm just letting you know right now.

21           Q.     But generally speaking, after having  
22    raised those concerns, did you believe there to be  
23    at least some progress made by the City of Virginia  
24    Beach in those areas?

25           A.     There has been some progress. In terms

1 of their hiring, you know, there was some additional  
2 persons in different departments that became -- that  
3 were hired. And in terms of contracting, the  
4 contracts, we saw an increase. I can't recall what  
5 that increase was. I can't recall if it was ten  
6 percent, 7 percent, 3 percent. I cannot recall.  
7 But I do know that there were some inroads made  
8 and...

9 Q. Did that -- I'll call it a priority.  
10 Did that priority of economic development and then  
11 the disparity between contracts for --

12 A. Majority firms.

13 Q. -- majority firms versus small, women-  
14 owned, and minority-owned businesses, did that  
15 continue as a priority throughout your presidency?

16 A. Yes. You know this is an all-volunteer  
17 group, right?

18 Q. I do now.

19 A. NAACP. Okay. It is an all-volunteer  
20 group, okay. So just be clear on that. That can be  
21 a priority, but you still have to have the time to  
22 get all those different things done. And, of  
23 course, only a certain amount of people are actually  
24 voted into office. The other people are membership-  
25 based so, therefore, they can choose to work or not

1 work. And so because it is a membership-based, it  
2 can still be a priority but you still have to have  
3 the arms, legs, hands to help you get those things  
4 and achieve those things.

5 Q. Yes, ma'am. If I understand you,  
6 sometimes man or woman power can be an issue despite  
7 maybe a membership roll that has a large number of  
8 people on it?

9 A. Absolutely.

10 Q. Let me -- continuing this conversation  
11 of the economic development and the disparity in  
12 contracting, I understand there came another time in  
13 which this issue was raised maybe not by the NAACP  
14 but maybe by the African American community more  
15 generally, and you used the name already today.  
16 Bruce Smith, I understand, may have been a proponent  
17 of that study. Are you familiar when I use the  
18 phrase "disparity study" what that was?

19 A. Yes. I am familiar with that.

20 Q. Did you participate or were you involved  
21 in the lead-up to the disparity study?

22 A. When you say participate, what are you  
23 trying to get to?

24 Q. I'm asking because you had mentioned  
25 your good work related to the convention center and

1 Town Center. And I'm wondering if because of that,  
2 perhaps, or because of your involvement with the  
3 NAACP, they asked you to help in some way to  
4 advocate for this disparity study? Or maybe you  
5 just volunteered to help.

6 A. I'm trying to remember. I believe I may  
7 have spoke before City Council. I can't be  
8 100 percent sure, but I believe I did speak once  
9 before City Council regarding the disparity study.

10 Q. From your perspective, what was the  
11 purpose of the disparity study?

12 A. Well, the legal per se -- and I can't  
13 say verbatim what the legal aspects, but a disparity  
14 study allows you to be able to hold accountable any  
15 group, organization, or whatever, once it's done.  
16 And so the reason behind it is accountability.

17 Q. I understand that there was a March for  
18 Equality associated with the disparity study. Did  
19 you participate in the March for Equality?

20 A. When you say participate, what is it  
21 you're trying to inquire about?

22 Q. Were you there?

23 A. Did I attend?

24 Q. Did you attend?

25 A. I did attend.

1 Q. Did you have a formal role or did you  
2 attend as Ms. Georgia Allen?

3 A. I spoke at one of them.

4 Q. Was there more than one March for  
5 Equality?

6 A. That's disparity because we've got to  
7 keep those two different, don't we?

8 Q. You said you spoke at one of them. I  
9 was referring specifically to the March for  
10 Equality, and I may be mistaken that there's -- was  
11 there more than one March for Equality?

12 A. Equality has a lot of different  
13 meanings.

14 Q. Let me back up then. When I use the  
15 term the "March for Equality," are you familiar with  
16 that term? A march that occurred here in Virginia  
17 Beach?

18 A. I don't recall it being called March for  
19 Equality. That's first and foremost. I don't  
20 recall it being called March for Equality because  
21 that is -- has a different terminology, if I recall  
22 correctly.

23 Q. Okay. Do you remember a march at the  
24 oceanfront related to the disparity study?

25 A. Absolutely.



1 Q. What would you call that?

2 A. That was the march for the disparity  
3 study, and I believe it was -- the ministers had a  
4 terminology for it, but it hadn't -- it didn't say  
5 equality.

6 Q. Well, then for clarity's sake, I'll say  
7 the march for the disparity study and then we can  
8 both know we're talking about the same thing. I  
9 understand you attended the march for the disparity  
10 study?

11 A. That is correct.

12 Q. And you mentioned you may have spoken at  
13 the march for the disparity study?

14 A. That is correct.

15 Q. Can you tell me where that happened or  
16 what you said?

17 A. I can't tell you per se what I said, but  
18 at the time I was not the President of NAACP. But I  
19 was asked by the ministers who was heading that if I  
20 would speak on behalf of the community.

21 Q. I'm going to stop guessing about names  
22 because I've messed those up a few times today. So  
23 can you tell me the name of the ministers group or  
24 conference that you're referring to?

25 A. It is called the Virginia Beach

1 International -- wait a minute. Not  
2 international -- Interdenominational Ministers  
3 Conference.

4 Q. Okay. And they were the group  
5 responsible for hosting the march for the disparity  
6 study?

7 A. That is correct.

8 Q. I understand Bruce Smith was there as  
9 well?

10 A. That is correct.

11 Q. Did you know that Bruce Smith addressed  
12 a letter to City Council requesting a disparity  
13 study?

14 A. I believe so, but I can't -- I can't say  
15 per se because years have passed.

16 Q. And in fact, a disparity study was done  
17 following the march for the disparity study and  
18 following Bruce Smith's letter?

19 A. That is correct. I believe so.

20 Q. Do you know anything about the results  
21 of that disparity study?

22 A. I believe something came out with  
23 regards to findings. Details of that, I cannot say.

24 Q. Do you recall whether there was an  
25 aspirational goal set as a result of the disparity

1 study?

2 A. I'm not 100 percent so I don't want to  
3 say and get it wrong.

4 Q. So we've talked about some of the  
5 priorities of the --

6 A. Yes.

7 Q. -- NAACP and we've referenced this  
8 economic development and then this disparity between  
9 contracting for minority-owned businesses and the  
10 other majority developers. You also mentioned the  
11 youth. I'm interested to know if there's any other  
12 priorities you can recall you had as President of  
13 the NAACP.

14 A. Hiring practices. Disparity in hiring  
15 practices.

16 Q. Here in the City of Virginia Beach?

17 A. In the City of Virginia Beach.

18 Q. I heard you reference a little bit of  
19 that with the convention center. Is that right?

20 A. Convention center was more of an  
21 economic practice of contracting. That's --  
22 Virginia Beach -- the convention center was a  
23 contracting issue. There were little or no African  
24 American contracts.

25 Hiring deals with the operational piece

1 of the City.

2 Q. Can you tell me what your concerns about  
3 hiring were?

4 A. The police department and fire  
5 department had some issues with their hiring  
6 practices.

7 Q. Were there any other departments that  
8 you can identify?

9 A. Those were the two that we -- what do  
10 you call it? Drilled down on.

11 Q. So let's take those in order if we can.  
12 Tell me what about the police department's hiring  
13 practices or overall minority composition concerned  
14 you.

15 A. It was terrible. They had very few  
16 African American police officers, very few women  
17 police officers. And -- and their testing, I do  
18 believe the Justice Department came in with regards  
19 to their testing and the testing was determined --  
20 I'm trying to say it the way -- how the Justice  
21 Department said. But I'm sure you have that. I  
22 can't.

23 Q. When -- about when was that?

24 A. Maybe 2009. Was Meyera still alive  
25 then?

1           Q.     I can't -- frankly can't say, but if you  
2     can't recall, that's okay to say you can't recall.

3           A.     Okay. I can't recall.

4           Q.     With regard to the police department --  
5     and I've heard you express a couple of concerns.  
6     What other concerns did either you personally or the  
7     NAACP have about the hiring practices of the police  
8     department?

9           A.     The hiring practices were very poor in  
10    terms of being a diverse police department. The  
11    other thing was the promotional -- promotion was  
12    very, very poor. In terms of the African American  
13    community and other people of color.

14          Q.     So did you -- are you aware whether  
15    these concerns were communicated to the police  
16    department or the City of Virginia Beach?

17          A.     At the time Jake Jaycox was the chief of  
18    police, and we did speak with him with regards to  
19    that. As an organization and individually, people  
20    spoke with him with regards to concerns.

21          Q.     Do you know if anything ever came of  
22    that, those conversations with the chief?

23          A.     We got our first deputy chief that was  
24    African American, a Mr. John Bell. I do know that  
25    happened, and I want to say there was a lieutenant,

1 a black lieutenant promoted from sergeant to  
2 lieutenant. Outside of that -- because I don't know  
3 the hierarchy that well of the police department so  
4 it would really be hard, difficult for me to tell  
5 you per se how many changes took place, but I do  
6 know for the first time in the history of Virginia  
7 Beach there was a black deputy chief in John Bell.

8 Q. What about for the recruitment practices  
9 that the City of Virginia Beach or the Virginia  
10 Beach Police Department had? Did it change after  
11 you all had expressed your concerns?

12 A. I believe that they have worked with a  
13 couple of ministers and the churches have been open  
14 to -- what is that? The police academy but it's  
15 not. It's the senior -- what is it? The citizen  
16 police academy. I do believe that they have built  
17 some relationships with a couple of our ministers.

18 Q. And do you know the Virginia Beach  
19 Police Department at present day to continue to  
20 recruit in predominantly African American  
21 communities?

22 A. Since I'm not actively involved in all  
23 of that, I really can't say. I can't say what  
24 they've done since then. Or what they're doing  
25 currently.

1 Q. Anything else that you would -- any  
2 other changes you can identify that you would  
3 attribute to the concerns that you raised to the  
4 police chief?

5 A. I can't think of anything right now. I  
6 can't recall.

7 Q. So let's talk about the fire department.  
8 What were the concerns that were expressed relating  
9 to the fire department?

10 A. The same.

11 Q. So I don't want to put words in your  
12 mouth.

13 A. Oh, I'm sorry.

14 Q. But what I've heard is the promotion  
15 within the department and then also generally the  
16 recruiting practices of these departments, the  
17 police department and the fire department. Those  
18 are the same concerns you had with the fire  
19 department?

20 A. Same concerns; recruitment, promotion.

21 Q. I heard you say that there was some  
22 action taken in response to your concerns in the  
23 police department. Do you recall any action being  
24 taken in response in the fire department?

25 A. I do not recall anything with the fire

1 department.

2 Q. You had mentioned John Bell being  
3 promoted in the police department. Is there anybody  
4 in the fire department you can identify as having  
5 been promoted?

6 A. I don't know a black fire person. You  
7 know, there may be some, but I don't know any.

8 Q. And when we talk about these hiring  
9 practices within the fire department and the police  
10 department, those are the two departments you  
11 initially identified when we started this portion of  
12 the conversation?

13 A. (Moved head up and down.)

14 Q. Do you have any other departments that  
15 you can think of that you may have raised at that  
16 time beyond those two?

17 A. I can't recall. Wait a minute. Hold  
18 on. Let me look around.

19 This is a big city. Okay? It's a huge  
20 city.

21 Judges. Okay. That always came up.  
22 The bench. The bench was very, very limited in  
23 terms of African Americans, women, and so that was  
24 an issue as well.

25 Q. Let's talk time frame again. Are we



1 talking about during your term as President of  
2 NAACP?

3 A. Actually, that judge issue was before I  
4 became President of the NAACP. If I recall  
5 correctly. I do believe that Mr. Lewis, Judge  
6 Lewis, was the first African American on the bench,  
7 and I want to say he probably sat there as the lone  
8 African American for 20 years maybe. I'm not sure  
9 so don't -- I'm just giving you -- I can't be  
10 100 percent sure. Okay?

11 Q. So when you were President of the NAACP  
12 did you continue to raise that concern regarding the  
13 demographics of the bench?

14 A. I would say we pushed to have more  
15 inclusive for the judges. For the bench. Yes.

16 Q. Who did you push?

17 A. I'm trying to remember.

18 This is -- this is tough because I have  
19 to think way back. That's -- and I'm trying to  
20 recall, and I'll be honest with you...

21 I'm going to be honest with you, it is  
22 so long ago, I cannot recall. I cannot recall.

23 Q. During your term as the NAACP President,  
24 referencing this lack of minority representation in  
25 management positions, did you ever express concern

1 to the City Manager, Jim Spore, about that?

2 A. I can't recall specifically. Perhaps.

3 Q. We've talked about a couple different  
4 priorities that were yours as President of the  
5 NAACP, and I don't want to move away from that until  
6 you let me know what you consider all of the  
7 priorities to have been that were most important.  
8 So other than what we've talked about already, were  
9 there other priorities you identified as president  
10 to act upon?

11 A. To be honest with you, I'm sure if I  
12 went back and looked through some notes I probably  
13 would find some, but right now off the top of my  
14 head, I remember those being the three top  
15 priorities.

16 Q. Do you maintain those notes still?

17 A. (Indicating.)

18 Q. Somewhere?

19 A. Given the number of people that have  
20 gone through, I can't say.

21 Q. Were those notes kept formally by the  
22 NAACP or were those personal notes to you?

23 A. The minutes were kept by the NAACP  
24 formally, but we've been through so many changes, I  
25 can't say where those minutes are after all these

1     years.

2           Q.     Ms. Allen, I want to ask you now about  
3     your volunteer service for the City of Virginia  
4     Beach. I understand that you've volunteered in a  
5     lot of different capacities for the City of Virginia  
6     Beach. Would you agree with that statement?

7           A.     Quite a few. Quite a few areas.

8           Q.     All right. Can you tell me what you  
9     would identify as your representative volunteer  
10    experience for Virginia Beach?

11          A.     Served on the Human Rights Commission.

12          Q.     Let's talk about the Human Rights  
13    Commission. Do you know the origin of the Human  
14    Rights Commission?

15          A.     Mr. E. George Minns, former President of  
16    NAACP, felt that the City of Virginia Beach needed a  
17    commission that would look at the human rights of  
18    all of its citizens and if anybody was being  
19    unfairly mistreated or what have you. That's to the  
20    best of my ability to recall.

21          Q.     Okay. Do you remember about when it was  
22    first formed?

23          A.     No.

24          Q.     But you do know that it still exists  
25    today?

1           A.     It does.

2           Q.     And what was your term on the Human  
3 Rights Commission?

4           A.     I think it was a four-year term. I  
5 think. And I served four years. I think I served  
6 one term with them.

7           Q.     Do you recall what the top issues or top  
8 priorities were when you served on the Human Rights  
9 Commission?

10          A.     I'll be honest, I cannot remember the  
11 top priorities of the Human Rights Commission at  
12 that time.

13          Q.     You also served on the Vision 2040; is  
14 that correct?

15          A.     Committee, yes.

16          Q.     Tell me a little bit about what you  
17 remember about being on that committee.

18          A.     The Vision 2040 committee was to look  
19 out to the year 2040 to identify what we felt like  
20 the City should look like in the year 2040, what are  
21 some of the things that we should have in place.  
22 And so we were strictly vision. We were not  
23 implementation. We were not, you know -- we were  
24 simply, you know, come up with a vision for the City  
25 and share that vision with the City Council. And we

1 had to report back to them once a year to our  
2 progress and where we were in terms of the vision.  
3 And ultimately, we came up with a more defined  
4 vision and I want to say four bold steps and...

5 Q. And you were on the committee that was  
6 responsible for actually producing the report?

7 A. The vision -- well, it was all of us.  
8 It was all of us. We actually put together a vision  
9 for the City and then the chairperson presented the  
10 report to the Council.

11 Q. Who was the chairperson?

12 A. At the time it was Gary McCollum and the  
13 Malbon guy. What's the Malbon guy's first name? So  
14 many Malbons in the city.

15 He owns the oil. I think he owns the  
16 oil or something like that. Off of Cleveland  
17 Street.

18 Q. They served as co-chairs?

19 A. Yes. Chair and co-chairs. Co-chairs.

20 Q. Do you know how that committee Vision  
21 2020 was put together?

22 A. At the time Mayor Sessoms called, I  
23 believe he called two of them and laid out what he  
24 thought he wanted, and then from there I want to say  
25 he -- Mayor Sessoms had a name of several people

1 representing different industries or communities.  
2 So he had someone from the healthcare industry I  
3 want to say on the committee, someone from the  
4 environmental area on the committee when we -- when  
5 we got started. And then he wanted someone within  
6 the community so someone from the civil rights  
7 organization, which ultimately would have been me.  
8 Business owners, he had a couple of business owners  
9 on the committee.

10 I'm trying to remember.

11 Oh, and different -- different, other  
12 communities, like we had someone from the Asian  
13 community to serve on the committee. And -- oh,  
14 education. He had someone representing -- let's say  
15 higher education was on the committee. So it was  
16 kind of a real diverse committee of, you know,  
17 bringing various entities so that we could look out  
18 to the year 2040 and try to identify how we could  
19 make the city better and so...

20 Q. Did the Mayor ask you personally to  
21 serve on that committee?

22 A. I want to say the Malbon guy or -- it  
23 may have been Ed Hamm, E.L. Hamm & Associates. I  
24 want to say Mr. Hamm may have contacted me. Or  
25 contacted Gary and Malbon to have them contact me.

1 I don't recall specifically who -- who -- who picked  
2 up the phone and called me directly, but I want to  
3 say the conversation was had by several people and  
4 they decided to bring me in there.

5 Q. Did you feel proud of the work that you  
6 did on the Vision 2040 committee?

7 A. I loved the Vision 2040 committee.

8 Q. You believe it was a worthwhile  
9 initiative for the City of Virginia Beach?

10 A. I do, but I believe there's plenty of  
11 work to be done.

12 Q. What other boards or committees have you  
13 served on for the City of Virginia Beach?

14 A. Well, I'm actually continuing on the  
15 Vision 2040 but it's now become VTAC (phonetic),  
16 which is from -- oh, from -- to action. It's from a  
17 Vision to Action committee, is basically what it is.  
18 So we're actually looking at the bold steps compared  
19 to what the City is -- City departments are doing  
20 and seeing if the things that the City departments  
21 are doing is lining up with the bold steps that we  
22 had, which, of course, would help us reach our goal  
23 of -- one of the things I pushed for is to have a  
24 younger group of people on the committee because  
25 when it started, I think the average age of the

1 people that were on the committee was like 50. And  
2 we weren't going to be here in 2040.

3 MR. BOYNTON: We made it.

4 A. I just -- I don't mean any harm, but  
5 when I looked at the committee and I looked around  
6 the room, I said, I think it might be a good idea  
7 for us to bring the younger people and put them on  
8 this committee because they will probably be here.  
9 We may not be.

10 BY MR. HARRIS:

11 Q. Has that been done?

12 A. We do have younger people in there now.  
13 Thank God.

14 Q. And this Vision to Action, the call to  
15 action is informed by your committee's work on the  
16 initial --

17 A. On the initial vision. Correct.

18 Q. Any other participation on boards or  
19 committees that you can recall?

20 A. Not for the City.

21 Q. Have you been recognized for your  
22 efforts as a volunteer by recognition, awards,  
23 resolutions, or otherwise?

24 A. The only certificate that I can think of  
25 is election. I've been a volunteer working on an



1 election committee for a number of years and after a  
2 certain period of time they give you like a little  
3 certificate. And I'm trying to remember if it was a  
4 pin or something. I can't remember. But I'm an  
5 election official so...

6 Q. Tell me a little bit about that election  
7 committee.

8 A. Well, it's actually the Registrar's  
9 Office, they ask for members of the community to  
10 work precincts, you know, as an official, not as --  
11 not as someone that's working on the campaign. And  
12 so I do that. I work as an official to -- on  
13 Election Day. So we have to be trained pretty much  
14 every year.

15 Q. How long have you been doing that?

16 A. It's been over five years because I got  
17 a certificate.

18 Q. You said you worked for the last five  
19 years. I would assume that includes the 2018  
20 election? Here in Virginia Beach. Am I right about  
21 that?

22 A. The primaries, the elections, and  
23 everything.

24 Q. Well, I want to talk first about the  
25 2018 election.

1 A. Correct.

2 Q. You worked on that Election Day?

3 A. I worked on Election Day, correct.

4 Q. When you work as an election committee  
5 member are you assigned to a --

6 A. Official.

7 Q. Official. Sorry. So that's a good  
8 point. I want to use your language so we're  
9 speaking the same here. Election committee official  
10 or election official?

11 A. Election official.

12 Q. As an election official, are you  
13 assigned to a particular precinct or do you have  
14 different responsibilities throughout the day?

15 A. Election officials are assigned to one  
16 precinct.

17 Q. On 2018 Election Day do you recall which  
18 precinct you worked in?

19 A. Aragona.

20 Q. The Aragona precinct, is that your  
21 precinct?

22 A. That is correct.

23 Q. How long were you there at the Aragona  
24 precinct on Election Day?

25 A. We have to be there from 5 o'clock in

1 the morning until the precinct closed, and we're not  
2 allowed to leave.

3 Q. So, basically, before the polls even  
4 open and until the polls close, you were there at  
5 the Aragona precinct?

6 A. That is correct.

7 Q. Are you inside the precinct or are you  
8 outside the precinct?

9 A. It depends.

10 Q. The "precinct" is a bad word to use  
11 there. The voting place. The polling --

12 A. The polling place.

13 Q. What is it in Aragona? Is it a school,  
14 a church?

15 A. A church. A school.

16 Q. What school is that?

17 A. Bayside 6th grade campus.

18 Q. So now I'm picturing -- when I say "at  
19 the precinct," I mean physically inside the precinct  
20 where the voting is taking place. Are you in that  
21 room?

22 A. That is correct.

23 Q. Do you -- other than personal relief for  
24 the restroom, do you have to stay in that room the  
25 whole time?

1           A.     Are you familiar with an election  
2 precinct?

3           Q.     In general terms, but I'd like you to  
4 describe it for me so I don't have any  
5 misunderstanding.

6           A.     Okay. Any precinct you walk in, there's  
7 a welcome table. So someone has to sit there. Then  
8 you go into the precinct itself. And you have to  
9 check in. There is a check-in table. Once you  
10 receive your little card, you then have to move over  
11 to another table which is where you receive your  
12 ballot. So there's a ballot table. Then there are  
13 the machines where you vote at. Okay? And then  
14 there's the final machine where you insert your card  
15 to show that you've actually registered your ballot.  
16 Okay? There's someone that has to be there and then  
17 there's the chief that sits back at a table to kind  
18 of monitor what's taking place.

19                   So in any precinct, the chief tells us  
20 where our assignments are. So any given Election  
21 Day, you can be in any one of those different areas.  
22 You can be at the beginning to welcome people into  
23 the precinct itself, okay. To the first table where  
24 you have to show -- where the voter has to show  
25 their ID and present their ID. And you literally

1 have to check them in and make sure they are in fact  
2 who they say they are. And then you pass them their  
3 little card in order for them to be able to get an  
4 actual ballot.

5 So any of those tables you could be at.  
6 Or you could be standing at the area where the  
7 person actually puts their ballot into a machine.  
8 It prints out that the ballot was accepted and they  
9 in fact voted.

10 So that's the way a voting precinct is  
11 set up.

12 Q. And you as an official in that precinct,  
13 what would your responsibility have been in that  
14 line of responsibilities?

15 A. Actually, I forgot to tell you, at the  
16 beginning you have to take all the signs and put  
17 them outside so we actually are responsible for  
18 making sure that any voter knows -- there's a notice  
19 that says: Voting starts here.

20 I mean so if you want me to tell you, we  
21 have to put signs at the beginning of the area  
22 beside the road to let them know that this is a  
23 polling precinct. So that we show them the area.  
24 We also have to have an area set aside for our  
25 handicapped or our seniors so we have to make sure

1     that all of those things are in place at a voting  
2     precinct.

3             Q.     Do you also have any responsibility to  
4     ensure that no improper campaigning is happening too  
5     close to the precinct?

6             A.     That is correct. That's any one of the  
7     election officials are responsible for making sure  
8     that the voting precinct is properly manned, and  
9     it's also that everybody stays within the  
10    guidelines, the official guidelines of what is set  
11    up. So we could be outside at any point in time.  
12    We could be inside. But we have to be in our  
13    positions and doing our jobs.

14            Q.     Thank you for that explanation.  
15                    And I want to ask you specifically now  
16    about the 2018 Election Day.

17            A.     Uh-huh.

18            Q.     While you were working as an official at  
19    that Aragona polling place, did you observe any  
20    overt or subtle racial appeals happening on that  
21    day?

22            A.     No.

23                    When you say "overt or subtle racial  
24    appeals," share with me what you're trying to get  
25    to. I'm sorry. I said no too quickly.

1           Q.     I'm asking you whether you observed as  
2     an election official any overt racial appeals; that  
3     is specific references to the race of a candidate.

4           A.     I don't recall anybody doing that.

5           Q.     What about something -- what I mean  
6     subtle is something less sort of specific. Anything  
7     that struck you as perhaps a racial appeal on that  
8     day?

9           A.     Okay. On that particular day, of all  
10    the people that came through, I did have one  
11    gentleman that -- but he was the voter who said some  
12    off-color remarks to me. He made a number of  
13    off-color remarks. Don't ask me what he said.  
14    'Cause one, I don't recall, you know, specifically  
15    what he said, but I do recall being very  
16    uncomfortable. But that was the voter. But in  
17    terms of anybody else, I don't recall.

18                   Now, when you say subtle, are you  
19    talking about anybody in particular?

20           Q.     No. I'm saying generally speaking, did  
21    you see overt comments as to race of individuals,  
22    candidates, or maybe not so direct but insinuating  
23    that race is somehow a factor in what they're going  
24    to do when they go inside to the polling place?

25           A.     No.

1           Q.     You had indicated that there is a  
2     portion of the day where you may have actually stood  
3     outside to either monitor the flow of traffic or  
4     make sure people aren't campaigning in an improper  
5     way.

6           A.     (Moved head up and down.)

7           Q.     Did you ever hear any overt racial  
8     appeals from a campaign official related to any  
9     official candidate?

10          A.     I recall there were one or two incidents  
11     and I'm trying to -- I'm trying to remember exactly.

12                     And these were people who were  
13     volunteers for -- for candidates.

14                     There was an incident with -- someone  
15     kind of screamed at me. And I think they were  
16     working on a -- on a campaign. But it's  
17     interesting. You move those things out of your  
18     mind. You know.

19          Q.     Do you remember what campaign they were  
20     volunteering for?

21          A.     What is so interesting is how you live  
22     in a world -- and this is tough. You live in a  
23     world where you experience racism and you experience  
24     discrimination, little by little, without even  
25     thinking about it, you begin to kind of build up a



1 way to -- I don't know how to put this.

2 This is tough.

3 I'm sorry. It's really, really hard.

4 Because when you live in a world that you constantly  
5 deal with racism in one form or another or people  
6 mistreating you in one form or another -- I hadn't  
7 thought about what had happened until you brought it  
8 to my attention and there were, I want to say either  
9 two or three incidents that particular campaign.  
10 And now I have to go back and try to remember the  
11 specifics. But it wasn't pleasant.

12 One was a campaign, I do remember. One  
13 particular -- two particular were individuals who  
14 came to vote. And they were both a little bit not  
15 pleasant. And I -- and I can't recall the  
16 specifics, but I do recall that it was unpleasant.  
17 And I'm sorry, but I -- I...

18 Q. Let me try and clarify the question.  
19 Because I truly want to understand but I need to  
20 follow up. And maybe it will be more appropriate to  
21 ask specifically about campaign volunteers. So I  
22 heard you say that two individuals that came and  
23 were completely inappropriate and they left you with  
24 this sentiment that you've expressed to us today.

25 A. Uh-huh.

1           Q.     But that leaves the potentially one that  
2     may have been associated with a campaign, and I want  
3     to understand better what happened there. Can you  
4     tell me any more about that?

5           A.     This was an unusual campaign in that  
6     there were so many ballots and so you had to tell  
7     people if you wanted a Democrat ballot or a  
8     Republican ballot. It's now starting to come back.

9                     And so that kind of created a bit of an  
10    issue because one group didn't want candidates' --  
11    didn't want candidates' signage to be there because  
12    they were focused on the fact they had their  
13    candidate in mind they were voting for.

14                    Wait a minute. I'm getting the two  
15    campaigns confused.

16                   MR. BOYNTON: Yeah, I was trying to help  
17    him with that.

18           A.     I am. I had a primary that came up,  
19    too. That's where I had my issue. My -- my -- my  
20    issue was my primary campaign.

21   BY MR. HARRIS:

22           Q.     So let's just be very clear about this.

23           A.     I do apologize.

24           Q.     That's okay. It's important to clarify.  
25                   On Election Day in 2018 is not the event

1     you're referring to as to a campaign --

2           A.     No. I don't recall any problem. I  
3     don't -- again, there's so much happening all the  
4     time. I can't -- I can't recall any issues in the  
5     2018 campaign. I think everybody just came in and  
6     voted and went. I'm sorry. It was the primary.

7           Q.     That's okay. To the extent you  
8     remember, help me understand what happened at that  
9     primary with that individual that was associated  
10    with the campaign. If you remember the campaign,  
11    I'd like to know who it was, but you tell me what  
12    you can recall.

13          A.     It's one of those situations where you  
14    kind of -- just kind of move it. Just kind of move  
15    it. And it will probably come back later. I don't  
16    know if it's going to come back while I'm sitting  
17    here today. If it does, I'll be happy to share, but  
18    right now it is one of those things where you kind  
19    of move it because you've got to live life. So when  
20    people are ugly to you, you have to kind of...

21                  So I can't recall. I'm sorry. I can't.  
22    I can't remember specifics.

23          Q.     We were talking about your civic  
24    involvement in the City of Virginia Beach.

25          A.     Uh-huh.

1           Q.     You mentioned a few committees and we  
2 talked about your work as an election official.

3           A.     Uh-huh.

4           Q.     I'm wondering if there's any other  
5 volunteer civic service you can recall for the City  
6 of Virginia Beach?

7           A.     Does the USO count? In the City of  
8 Virginia Beach. I have -- I have volunteered a  
9 number of times to help with the USO. Our military.  
10 They are Virginia Beach residents. But you know, in  
11 terms of the City of Virginia Beach per se, I cannot  
12 recall off the top of my head.

13          Q.     All right. So outside of Virginia  
14 Beach, you mentioned the USO. We've talked about  
15 the NAACP. I understand that you've been affiliated  
16 with the AAPAC, is that right, the African American  
17 Political Action Committee?

18          A.     No.

19          Q.     No?

20          A.     No.

21          Q.     What about the Democratic Party of  
22 Virginia Beach?

23          A.     I have been a member of the Democratic  
24 Party of Virginia Beach.

25          Q.     Do you have any affiliation with the

1 Conscious Community E letter?

2 A. I'm not familiar with that. I don't  
3 think I'm familiar with that. I don't recall.

4 Q. What about the African American Cultural  
5 Center?

6 A. Yes.

7 Q. Tell me a little bit about the African  
8 American Cultural Center.

9 A. I'm part of the historical part. I  
10 volunteer to work on a subcommittee, and basically  
11 we're looking at all the original black communities  
12 that were once thriving communities in the City of  
13 Virginia Beach. We try to identify some of the  
14 seniors who are, you know, multigenerational, can  
15 share with us, you know, their photos, their  
16 paraphernalia of what they have from living here and  
17 from their various communities. So, for instance,  
18 Seatack. Seatack had one of the first all-volunteer  
19 fire departments. And so we try to capture, you  
20 know, what knowledge is still here.

21 And so primarily I'm more -- work more  
22 in terms of trying to assist them in gathering  
23 information of persons, especially those who have  
24 like generations and generations and generations of  
25 family members from the city.

1 Q. Is that done in any sort of partnership  
2 with the City of Virginia Beach?

3 A. That would be the actual African  
4 American Cultural Center board of directors. I'm  
5 not a board of director member so I'm not involved  
6 in that at all.

7 Q. But do you understand that the board of  
8 directors works in cooperation with the City of  
9 Virginia Beach?

10 A. It's my understanding that that is the  
11 case.

12 Q. Do you know any --

13 A. To a certain extent. I don't know.

14 Q. I'm sorry. I interrupted you there.

15 A. Uh-huh.

16 Q. Do you know anything about the funding  
17 of the African American Community Center?

18 A. Mr. Williams is the president, is my  
19 understanding. He's doing a funding, or whatever  
20 you call it, piece to reach out to get funds. And  
21 all the different ways that he's doing that, I'm not  
22 familiar with because that is not my -- not what I  
23 do.

24 Q. Ms. Allen, I understand you ran for City  
25 Council in 2008.

1 A. That is correct.

2 Q. Based on your prior testimony, it  
3 appears you were the President of the NAACP at that  
4 time?

5 A. That is correct.

6 Q. Did you receive any sort of formal  
7 endorsement from the NAACP?

8 A. Absolutely no.

9 Q. Did you receive any formal endorsements  
10 from civic or activist groups?

11 A. I can't recall.

12 Q. Do you recall being endorsed by any  
13 Hispanic groups?

14 A. I don't recall.

15 Q. Do you recall being endorsed by any  
16 specific Hispanic community leaders?

17 A. I don't recall.

18 Q. Do you recall any sort of formal  
19 endorsement from the Asian community?

20 A. No. I don't recall.

21 Q. During that election did you believe  
22 yourself to be the African American preferred  
23 candidate?

24 A. Yes.

25 Q. What led you to -- what leads you to

1 believe that?

2 A. The work in the community and my  
3 affiliation with the faith-based community. I'm the  
4 daughter of a minister. Of a pastor.

5 Q. Is your relationship with the  
6 faith-based community a predominantly African  
7 American church?

8 A. That is correct.

9 Q. Specifically, you say the faith-based  
10 community. Are you referring to a single church?

11 A. I'm referring to the African American  
12 churches.

13 Q. And you mentioned your father was a  
14 pastor?

15 A. Yes. He was a pastor here in Virginia  
16 Beach.

17 Q. Where was that?

18 A. That was at Asbury Methodist Church. It  
19 was during segregation so we were not United  
20 Methodists at the time.

21 Q. Was Asbury Methodist one of the churches  
22 that supported your candidacy?

23 A. The churches don't support candidacy  
24 because they're nonpartisan.

25 Q. Fair point. Did you understand the



1 parishioners or the people that attended Asbury  
2 Methodist to be people that supported your  
3 candidacy?

4 A. Did I have a relationship with  
5 parishioners? What are you asking?

6 Q. You had mentioned that you understood or  
7 -- correct me if I'm wrong, but I understood your  
8 testimony to be that the members of the faith-based  
9 community, predominantly African American, supported  
10 you.

11 A. (Moved head up and down.)

12 Q. I'm trying to figure out how you -- how  
13 you came to know that or how you came to conclude  
14 that was the case.

15 A. Because people that go to church, I also  
16 grew up with. So I knew people from the high  
17 schools who just happened also to be members of  
18 churches. And those -- so people that I grew up  
19 with during segregation were now adults and they  
20 also attended church. And so I use "faith-based"  
21 because of that.

22 Q. Do you recall campaigning at any  
23 predominantly Asian American places of worship or  
24 other community centers?

25 A. No.

1           Q.     Do you recall campaigning at any  
2 predominantly Hispanic churches?

3           A.     No.

4           Q.     Do you recall campaigning at any  
5 Hispanic civic leagues or other community groups?

6           A.     I don't recall that, no.

7           Q.     Did you have a campaign team, so to  
8 speak, or a campaign manager?

9           A.     I had a small team.

10          Q.     How many people were on that team?

11          A.     No more than five.

12          Q.     What was the demographic make-up of your  
13 campaign team?

14          A.     Female, male.

15          Q.     How many white members of your campaign  
16 team were there?

17          A.     In 2008?

18          Q.     Yes, ma'am.

19          A.     On the team itself, I don't recall any  
20 on the team itself.

21          Q.     Were any of those five people on the  
22 team Asian?

23          A.     I don't recall that being the case.

24          Q.     Were any of the five people on that team  
25 Hispanic?

1 A. Don't recall that being the case.

2 Q. You were also a candidate for delegate?

3 A. That is correct.

4 Q. When was that?

5 A. 2005.

6 Q. Also in the time frame you were

7 President of the NAACP?

8 A. That is correct. But I stepped down  
9 temporarily.

10 Q. Tell me what that means.

11 A. That means you set aside your presidency  
12 and allow your vice-president to step up.

13 Q. While you were in...

14 A. Campaign mode. Correct.

15 Q. I want to talk specifically about your  
16 candidacy for delegate.

17 A. Uh-huh.

18 Q. Did you receive any formal endorsements  
19 from Hispanic civic groups or Hispanic civic  
20 leaders?

21 A. I don't recall.

22 Q. Did you receive any endorsements from  
23 Asian civic groups or Asian community leaders?

24 A. Don't recall that.

25 Q. Did you also have a campaign team for

1 your candidacy for delegate?

2 A. I did.

3 Q. Was it different than the five people  
4 that you had for City Council?

5 A. Yes.

6 Q. About how many people would you put on  
7 your team for your delegate candidacy?

8 A. I would say probably about seven.

9 Q. Of those seven, how many were white?

10 A. Two. Three.

11 Q. Of those seven, how many were Hispanic?

12 MR. BOYNTON: She's still thinking.

13 BY MR. HARRIS:

14 Q. Oh, I'm sorry. I didn't mean...

15 A. That's a little vague with campaigning  
16 because you get support from people who are not  
17 necessarily on the team who work on projects. So  
18 that's kind of a little vague.

19 Q. Well, I want to ask you specifically  
20 about your core team. You had mentioned that you  
21 said it was about seven people.

22 A. Uh-huh.

23 Q. Specifically, of those seven people, how  
24 many were white?

25 A. Two.

1 Q. Of those seven people, how many were  
2 Asian?

3 A. One. Asian, does that include Peru?

4 Q. I would not include --

5 A. Peruvian (phonetic)? People from Peru?  
6 I don't know.

7 Q. Other than the person from Peru, anyone  
8 else you would identify as Asian?

9 A. I don't recall.

10 Q. Of the seven people you've identified as  
11 being on your candidate -- or your campaign team,  
12 how many were Hispanic?

13 A. Don't recall any.

14 Q. Are you familiar with any of the Asian  
15 American civil rights groups here in Virginia Beach?

16 MS. HARLESS: Objection to form.

17 A. Yeah.

18 MS. HARLESS: You can answer.

19 A. Yeah, verify what...

20 BY MR. HARRIS:

21 Q. What I want to ask you about is, are you  
22 aware of any predominantly Asian civil rights groups  
23 here in the City of Virginia Beach?

24 MS. HARLESS: Objection to form.

25

1 BY MR. HARRIS:

2 Q. You can answer.

3 A. Okay. I don't know for sure if they're  
4 civil rights or not. It's kind of vague.

5 Q. What about more generally, are you aware  
6 of any Asian American civic organizations in the  
7 City of Virginia Beach?

8 A. Can you clarify?

9 Q. I'm referencing civic organizations that  
10 would be made up of predominantly Asian Americans  
11 for whatever their civic purpose is.

12 A. Do you have any additional information  
13 that you can share with regards to these Asian or --  
14 groups?

15 Q. Ms. Allen, I'm just asking you if you  
16 can identify from your own memory as you sit here  
17 today any Asian American community groups here in  
18 Virginia Beach.

19 A. I would say there are Asian American  
20 community groups in Virginia Beach. Yes.

21 Q. Do you know the names of any of them?

22 A. I'm not 100 percent sure. I know  
23 there's something called Fil-Am, F-I-L-dash-A-M, I  
24 think, but I don't know if that's the name of the  
25 group.

1 Q. Can you identify any Asian American  
2 community leaders in Virginia Beach?

3 A. Not currently. Asian American, not  
4 currently.

5 Q. Are you aware of any Hispanic American  
6 civic organizations in Virginia Beach?

7 A. I've heard of the Hispanic Dialogue. I  
8 don't know if that's in existence.

9 Q. Any others?

10 A. Hispanic Dialogue is the only one I'm  
11 familiar with.

12 Q. Can you identify any Hispanic community  
13 leaders?

14 A. Currently, I'm not sure.

15 Q. In anticipation of this lawsuit did you  
16 reach out to any Hispanic individuals?

17 A. I did not personally reach out to  
18 anybody.

19 Q. Did you personally reach out to any  
20 Asian American individuals?

21 A. No, I did not.

22 Q. Has anyone of -- any Asian or Hispanic  
23 individuals approached you expressing support for  
24 this lawsuit?

25 A. I've spoken with Shewling Wong, who

1 called me up with regards to campaigning. She's  
2 Shewling Moy now.

3 Q. When was that conversation?

4 A. She called me last week because she was  
5 getting ready to go out of town.

6 Q. What was the substance of your  
7 conversation?

8 A. We didn't get into detail, but she did  
9 mention that she had spoken with the attorneys  
10 regarding this lawsuit. And so we did not detail  
11 anything.

12 Q. I need to ask a point of clarification.  
13 I'm not asking about the substance of any  
14 conversation with any attorneys. Is it your  
15 testimony that Ms. Moy told you she had had a  
16 conversation with the attorneys, specifically the  
17 attorneys for Campaign Legal Center, or other  
18 attorneys?

19 A. I don't know if she identified the  
20 attorney. I can't say. But I do know that she  
21 called me and she said that she had spoken with the  
22 attorneys with regard to the lawsuit. But I cannot  
23 say that she said specific attorneys.

24 Q. What else do you remember about the  
25 substance of that conversation?



1           A.       Basically, she was calling because of  
2       campaigning and she was going to be out of town and  
3       there were some candidates out there that she liked.  
4       And so sometimes she calls me about that. So she  
5       called me up with regards to campaigning. But not  
6       with regard to the lawsuit. But she did mention it  
7       that she had spoken with attorneys.

8           Q.       Did you ask her to speak to the  
9       attorneys about the lawsuit?

10          A.       No.

11          Q.       Did any members of the Hispanic  
12       community express support for the lawsuit to you  
13       personally?

14          A.       I have not spoken with anyone from the  
15       Hispanic community. That I can recall. No, I don't  
16       recall speaking to anyone from the Hispanic  
17       community.

18          Q.       I want to go back to our discussion  
19       specifically of 2018 Election Day. You understand  
20       Aaron Rouse was a candidate for City Council on that  
21       day?

22          A.       Correct.

23          Q.       Are you aware that Aaron Rouse received  
24       the highest number of votes of any at-large  
25       candidate in the history of Virginia Beach?

1 A. No.

2 Q. Does that surprise you?

3 A. Nothing surprises me in Virginia Beach.

4 Q. Tell me what you know about Aaron Rouse.

5 A. Not a lot. I know he was a former  
6 football player and I think he was recognized by the  
7 Seatack Civic League as a young man that came out of  
8 that community. And I believe he was -- I  
9 believe -- I can't remember if he was recognized as  
10 a youth out of the -- out of the civic league. And  
11 so I know they were pretty good about doing that as  
12 their kids grow up and stuff.

13 Q. Did he participate in the youth program  
14 that you were part of?

15 A. I never heard of Aaron Rouse until, I  
16 think last year.

17 Q. Did you do anything to support or oppose  
18 Aaron Rouse's candidacy?

19 A. Not really. That I can recall. I don't  
20 recall doing anything in particular. But also keep  
21 in mind, I'm an election official, I'm also actively  
22 involved in civil rights, so...

23 Q. Any reason to believe he wasn't a  
24 qualified and capable candidate for City Council?  
25 That you're aware of.

1           A.     I don't know anything in particular  
2     about Aaron Rouse other than what he said, that he's  
3     an ex-football player. That's generally what I know  
4     about him.

5           Q.     Did you know if he was the African  
6     American preferred candidate in the African American  
7     community?

8                     MS. HARLESS: Objection to form.

9           A.     This is a large community. I cannot say  
10    that. I have no way of -- of knowing that. Where  
11    there's 80 some thousand people.

12   BY MR. HARRIS:

13          Q.     You mentioned the phrase "large  
14    community." Would you also describe Virginia Beach  
15    as a largely integrated community?

16                     MS. HARLESS: Objection to form.

17   BY MR. HARRIS:

18          Q.     You can answer.

19          A.     You're trying to ask me how would I  
20    describe Virginia Beach? What are you asking me?

21          Q.     I'm asking you if you would describe  
22    Virginia Beach as a largely integrated community.

23                     MS. HARLESS: Objection to form.

24          A.     I would say there are areas that are  
25    integrated.

1 BY MR. HARRIS:

2 Q. Well, by converse, that would mean that  
3 there are areas that are not integrated.

4 A. (Moved head up and down.)

5 Q. So let's talk about the areas that you  
6 may think are not integrated. Can you give me some  
7 examples of those areas?

8 A. I would say Burton Station.

9 Q. Where else?

10 A. New Light.

11 Q. Any others you can think of?

12 A. Queen City.

13 Q. Which other ones?

14 A. Off the top of my head, those are the  
15 three that come to mind.

16 Q. Where is Burton Station located in the  
17 City of Virginia Beach?

18 A. By the outlet mall, the Norfolk --  
19 Norfolk outlet mall.

20 Q. That's off Northampton Boulevard?

21 A. Northampton Boulevard.

22 Q. If I understand my geography, that's  
23 near the border of Norfolk and Virginia Beach?

24 A. That is correct.

25 Q. Thank you. What about New Light?

1           A.     New Light is off of Indian River Road.  
2     Near Centerville or near CBN.

3           Q.     What about Queen City?

4           A.     Off Providence Road near College Park.

5           Q.     So I've heard those three, and you said  
6     you couldn't recall any others past that. Any  
7     others you can recall now after...?

8           A.     Well, I'm sure I can ride through some  
9     neighborhoods that are probably -- that I would say  
10    have three African Americans in the whole, entire  
11    city of maybe 5,000 houses. You know, I'm sure I  
12    can do that throughout the whole, entire city all  
13    around. Can I name those neighborhoods off the top  
14    of my head? No. But I've been past them.

15          Q.     Speaking again about the 2018 election,  
16    are you familiar with the candidate Sabrina Wooten?

17          A.     Yes, I am.

18          Q.     How are you familiar with Sabrina  
19    Wooten?

20          A.     She was a candidate for office.

21          Q.     Do you know her personally?

22          A.     No.

23          Q.     Have you ever met her?

24          A.     Yes.

25          Q.     Do you recall when that was?

1           A.     I can't say when I originally met her.  
2     I can say that at different events people are there,  
3     and I'm sure, based upon the fact that I'm at  
4     events, that I've bumped into her at one of the  
5     events.

6                     And then later on she gave me a call and  
7     asked me if I would talk with her. And I did. And  
8     I met with her at the Williams Farm Recreational  
9     Center.

10           Q.     Can you tell me when that happened and  
11     what the substance of that conversation was?

12           A.     I can tell you approximately it was  
13     probably at least six to eight weeks before the  
14     election that I probably sat down with her, and she  
15     wanted to introduce herself to me. And as a common  
16     courtesy, I generally will talk with candidates on  
17     both sides of the fence, and, you know, of all  
18     different persuasions. So that's just part of what  
19     I do as the president, as a former President of  
20     NAACP and as a community leader. I do talk to  
21     people.

22                     So her conversation was just kind of to  
23     introduce herself to me, know who she is, what she's  
24     done in the past. And so I did listen.

25           Q.     Was she seeking your support in her

1 efforts to get elected?

2 A. Generally speaking, when people sit down  
3 with me, they want me to say I'm going to support  
4 them. Generally speaking, when people sit down with  
5 me, I listen.

6 Q. Did you offer any --

7 A. The --

8 Q. I'm sorry. I interrupted you. Go ahead  
9 and finish.

10 A. Well, that's -- that's pretty much it.  
11 They want me to support them and I want to listen.  
12 I am willing to listen. Go ahead.

13 Q. Did you offer any sort of formal  
14 endorsement of Sabrina Wooten?

15 A. No. No. I don't endorse candidates.  
16 Again, as an election official and as a person in a  
17 nonpartisan association, even though I'm not the  
18 president, I try to be neutral as best I can. Even  
19 though this is a nonpartisan election. You are  
20 aware of that, right?

21 Q. You understand that Sabrina Wooten and  
22 Aaron Rouse both currently sit on our Council?

23 A. Absolutely.

24 Q. Would you agree with me that African  
25 American candidates have had more success since 2012

1 to present than in any prior point in Virginia Beach  
2 history?

3 A. I don't know that per se. Because I  
4 haven't looked at the data. So I can't say that  
5 they have had more success because I have not looked  
6 at the data. So the question is not a question that  
7 I could answer yea or nay.

8 Q. Well, you've lived in Virginia Beach at  
9 least since 1994 till now. So would you agree that  
10 African American candidates from 2010 to present  
11 have had more success than, say, 1994 to 2000?

12 MS. HARLESS: Objection, asked and  
13 answered.

14 A. Again, since I have not reviewed the  
15 data -- and yes, I've lived here all my life, but I  
16 have not reviewed the data in terms of, you know,  
17 the number -- the amount of success for African  
18 American candidates, so I cannot answer that  
19 question, you know. I can't...

20 BY MR. HARRIS:

21 Q. You would agree with me that at least  
22 for 2018, both African American candidates on the  
23 ballot were elected?

24 MS. HARLESS: Objection to form.  
25



1 BY MR. HARRIS:

2 Q. You can answer.

3 A. Sabrina and Aaron were elected to  
4 office.

5 Q. And there were no other minority  
6 candidates at the time? In their races?

7 A. (Indicating.)

8 MR. HARRIS: Let me suggest another  
9 break. We've been going for a little while. I can  
10 reorganize and try to wrap this up.

11 MS. HARLESS: Sure.

12 (Recess)

13 BY MR. HARRIS:

14 Q. Ms. Allen, I want to ask you briefly  
15 about your affiliation that you mentioned with the  
16 Democratic party. Have you been a speaker at their  
17 events before?

18 A. A speaker?

19 Q. A presenter?

20 A. No.

21 Q. What about for the Progressive Democrats  
22 of America? Have you been a speaker or presenter  
23 for them?

24 A. No. Not that I recall.

25 Q. Are you aware that the -- well, I should

1 say are you aware that Dave Hansen was -- resigned  
2 as City Manager recently?

3 A. Yes.

4 Q. Did you express support for his  
5 resignation or his termination?

6 A. Clarify support.

7 Q. Were you in favor of it? Of him  
8 resigning or being terminated?

9 A. I can't say one way or another. I  
10 didn't send any letters to ask him to resign. I can  
11 say I did not do any formal requests.

12 Q. Are you aware that letters were sent in  
13 requesting that he be terminated or fired?

14 A. Let me think about that for a moment.

15 I don't recall sending anything to ask  
16 him to resign. That I can remember.

17 I think according to the newspaper. I  
18 think that's how I found out.

19 Q. When you read the newspaper article  
20 about Dave Hansen potentially being fired or  
21 terminated, did you read the claims of or the  
22 concerns of those people who were calling for his  
23 termination?

24 A. I probably did, but I don't recall any  
25 of the statements.

1 Q. Do you ever recall seeing a letter from  
2 the Interdenominational Ministers Conference in  
3 reference to Dave Hansen in August of 2019?

4 A. I recall being aware that there was a  
5 letter from the ministers. I don't recall seeing  
6 it.

7 Q. I assume you're familiar with the  
8 Something in the Water festival?

9 A. I am.

10 Q. Would you consider that event a success  
11 for the City of Virginia Beach?

12 MS. HARLESS: Objection to form.

13 BY MR. HARRIS:

14 Q. You can answer.

15 A. As far as I know, based upon the  
16 feedback only. I didn't attend.

17 Q. There's a candidate by the name of  
18 Furman. Do you know that individual?

19 A. Yes. I've met him.

20 Q. When did you have the opportunity to  
21 meet Mr. Furman?

22 A. I'm thinking at least seven years ago.  
23 Not 100 percent, but somewhere around that time  
24 frame maybe.

25 Q. Was he campaigning for City Council at

1 that time?

2 A. I believe he was. Or I believe he  
3 introduced himself.

4 Q. Do you recall whether he reached out to  
5 you or not?

6 A. He didn't reach out to me. He just told  
7 us who he was.

8 Q. Where was that?

9 A. He stopped by the NAACP office.

10 Q. In your estimate, that was approximately  
11 2012?

12 A. I can't say. I said I believe it was  
13 approximately seven years ago. Somewhere in that  
14 time frame.

15 Q. Did you understand Mr. Furman to be the  
16 African American preferred candidate at that time?

17 MS. HARLESS: Objection to form.

18 A. Mr. Furman was new so I can't say  
19 whether he was preferred or not preferred. He was  
20 an option.

21 BY MR. HARRIS:

22 Q. Are you aware that Mr. Furman has run  
23 several times for City Council in Virginia Beach?

24 A. I am aware that he's run more than once.  
25 Several, I can't say. But more than once.

1           Q.     Tell me what you know about Mr. Furman's  
2     candidacies.

3           A.     That he gets the amount of signatures he  
4     needs and he put his name on the ballot.

5           Q.     Did you ever express support for Mr.  
6     Furman as a candidate?

7           A.     I have not.

8           Q.     Do you know of any other members of the  
9     African American community who may have expressed  
10    support for Mr. Furman and his candidacies?

11          A.     I don't recall anybody saying anything  
12    to me in particular.

13          Q.     Do you know if Mr. Furman is born and  
14    raised in Virginia Beach, so to speak?

15          A.     When he introduced himself, he said he  
16    was from South Carolina, I do believe, and had  
17    relocated here.

18          Q.     Do you recall him mentioning anything  
19    else about himself or otherwise during that meeting?

20          A.     Outside of being married and I want to  
21    say he may have been a military veteran. Outside of  
22    those two items, I don't know anything about Mr.  
23    Furman.

24          Q.     Do you recall participating in preparing  
25    discovery responses in this case?

1 MS. HARLESS: Objection to the extent  
2 that you're asking for information that's covered by  
3 the attorney-client privilege.

4 You can answer yes or no.

5 A. Participate in discovery?

6 BY MR. HARRIS:

7 Q. Yes, ma'am. In responding to the City  
8 of Virginia Beach's request for production of  
9 documents and also interrogatories, or written  
10 questions.

11 A. Okay. I'm confused.

12 Q. You would have signed an affirmation  
13 page at the end of it that said everything included  
14 therein was true and accurate to the best of your  
15 ability. Do you recall signing that?

16 A. Interrogatory.

17 Q. And request for production of documents.

18 MR. BOYNTON: Why don't you put it in  
19 front of her.

20 MS. HARLESS: Also, there are multiple  
21 requests.

22 MR. HARRIS: Well, she would be --  
23 ideally, she would have been involved in all of  
24 them.

25 MS. HARLESS: But you asked about one.

1 So to the extent that it's just unclear what you're  
2 talking about...

3 BY MR. HARRIS:

4 Q. All right. I'm going to show you a  
5 document and ask you if you recognize that document.

6 MR. BOYNTON: Read into the record what  
7 the document is.

8 MS. HARLESS: Do you want to -- do you  
9 want this copy back?

10 BY MR. HARRIS:

11 Q. It's -- I'm really just asking whether  
12 you participated in the preparation of discovery  
13 responses in this case generally.

14 MS. HARLESS: And she doesn't understand  
15 the question so she's reviewing the document.

16 A. Can I speak to my attorney?

17 BY MR. HARRIS:

18 Q. No, I need you to answer the question.

19 A. Normally, I wouldn't, but in this case,  
20 I think I have the right to speak to my attorney.

21 MS. HARLESS: So what's the question,  
22 the pending question?

23 MR. HARRIS: The pending question is  
24 whether she participated in preparing discovery  
25 responses. The document that's in front of her,

1 whether she participated in the preparation of that  
2 document.

3 MR. BOYNTON: Read into the record what  
4 the document is.

5 MR. HARRIS: For the record, the front  
6 of the document, as entitled, is: Plaintiff Georgia  
7 Allen's Responses to Defendant City of Virginia  
8 Beach's First Set of Interrogatories.

9 MS. HARLESS: I think there's two  
10 documents there.

11 MR. HARRIS: Well, let's just pull the  
12 second document off of it and we'll stay on my first  
13 question.

14 Go ahead.

15 MR. BOYNTON: Go ahead.

16 A. Okay. Okay. To the best of my  
17 understanding, I read all of these interrogatories  
18 and verified with my attorneys.

19 BY MR. HARRIS:

20 Q. Okay. That's my only question. All  
21 right.

22 As part of the discovery process, you  
23 were asked to produce names of individuals who might  
24 have information about the support for your claims.  
25 I'm going to read you a few of those names and ask



1 you if you recognize that name, and if you recognize  
2 the name, ask you to tell me what you believe their  
3 knowledge of your claims are.

4 The first person you identified was  
5 Louisa Strayhorn. Who is that individual?

6 A. Louisa Strayhorn is a former City  
7 Councilwoman, and so she would have full knowledge  
8 of -- and not only as a Councilwoman but a former  
9 School Board member, okay, so she would have full  
10 knowledge of any issues with regard to City of  
11 Virginia Beach practices.

12 Q. John L. Perry.

13 A. Mr. Perry is a former member of the City  
14 Council, the first African American ever elected to  
15 City Council in the City of Virginia Beach.

16 Q. And you would expect him to have  
17 knowledge about what?

18 A. Mr. Perry is dead.

19 Q. Ron Villanueva.

20 A. Former City Council member.

21 Q. What would you expect him to have  
22 knowledge that --

23 A. As a former City Council member, he  
24 would be fully aware of any concerns with regards to  
25 practices of the City -- of the City of Virginia

1 Beach with regards to any issues. I'm trying to  
2 think of the word.

3 Q. Did you believe Mr. Villanueva to be the  
4 preferred minority candidate when he ran in 2002?

5 MS. HARLESS: Objection to form.  
6 Objection to the extent you're calling for a legal  
7 conclusion.

8 A. I have no idea.

9 BY MR. HARRIS:

10 Q. All right.

11 A. I have...

12 Q. Prescott Sherrod.

13 A. Give me the question again.

14 Q. I'm asking you to identify who Mr.  
15 Prescott Sherrod is.

16 A. Mr. Sherrod I believe served as a City  
17 Council member when there was a vacant seat, and he  
18 may have been appointed.

19 Q. What knowledge would you expect him to  
20 have related to this lawsuit?

21 A. I would say based upon, you know,  
22 sitting on City Council, anybody that would sit on  
23 City Council I would say would have some knowledge  
24 as to the inner workings of the City.

25 Q. Another name that was provided -- and I

1 apologize, I may mess this up -- Beatriz Amberman?

2 A. Beatriz Amberman.

3 Q. That's spelled B-E-A-T-R-I-Z?

4 A. That is correct. As far as I know,  
5 that's correct.

6 Q. A-M-B-E-R-M-A-N.

7 A. Correct.

8 Q. Can you tell me about Ms. Amberman?

9 A. She's from the Latino community and she  
10 served in the capacity as a leader at one point in  
11 time. I'm not sure what her capacity is today.

12 Q. Do you know her to be affiliated with  
13 any civic group or other association?

14 A. The only thing that I know is that there  
15 was a Hispanic Dialogue back in the day and she was  
16 quite active in the Hispanic Dialogue.

17 Q. Have you spoken specifically with Ms.  
18 Amberman about this lawsuit?

19 A. No, I have not.

20 Q. The next name was Alicia Bobulinski?

21 A. Correct.

22 Q. Are you familiar with that name?

23 A. Yes.

24 Q. I'll just spell it for the record. If  
25 you think I spelled it wrong, will you tell me?

1           A.     I won't even know if you spelled it  
2 wrong, it's been so long since I've seen her name.

3           Q.     A-L-I-C-I-A?

4           A.     That I know is correct. Alicia. I do  
5 know that part.

6           Q.     Thank you.

7                   B-O-B-U-L-I-N-S-K-I.

8           A.     I believe that's correct. Can't be a  
9 hundred percent.

10          Q.     When's the last time you had contact  
11 with Ms. Bobulinski?

12          A.     It's been several years. I can't recall  
13 the last time. I'm trying to remember.

14          Q.     Would it be fair to say then you haven't  
15 had any specific conversations with her about this  
16 lawsuit?

17          A.     I have not.

18          Q.     Let me ask you, do you recall when you  
19 first heard about this lawsuit?

20          A.     I'll be honest with you, I cannot  
21 recall. I'll be very frank. So much happens in my  
22 life, I cannot recall. I'm going to be honest.

23          Q.     I'm not asking you about any  
24 conversations you may have had with your attorneys,  
25 but I'm interested to know how you became involved

1 in this lawsuit.

2 A. I became involved when there were issues  
3 going on with regards to Ms. Holloway's children.  
4 That's when I became involved.

5 I was not the President of the NAACP at  
6 the time. I was a private citizen, and I heard her  
7 story a number of times with regard to what was  
8 happening to her personally and her children, and as  
9 I gathered more information with regards to this  
10 young lady, ultimately, based upon what she had gone  
11 through and things that I had experienced growing up  
12 here in the city as well as serving in the capacity  
13 of civil rights, I ultimately decided to sign on.

14 Q. Are you participating in Ms. Holloway's  
15 lawsuit against the City of Virginia Beach in any  
16 way?

17 MS. HARLESS: Objection to form.

18 BY MR. HARRIS:

19 Q. Are you aware that Ms. Holloway has  
20 filed a lawsuit against the City of Virginia Beach  
21 public school system?

22 A. I am -- I -- let me see. I'm not  
23 familiar with it. I've heard -- I want to say I've  
24 heard of it. I am not familiar with it.

25 Q. Do you remember when you first heard

1 about Ms. Holloway's situation that caused you to  
2 want to be involved in this lawsuit?

3 A. This has been something that's been  
4 going on for some time. I cannot recall  
5 specifically if it's been two years or not, but I  
6 would say a minimum of two years of something going  
7 on. And that's my guesstimate.

8 Q. But certainly not before the point in  
9 which the incident with Ms. Holloway's young child  
10 occurred; is that right?

11 A. Now, that I can't say. I cannot say  
12 that.

13 Q. Another name that was produced was Dr.  
14 Veronica Coleman. Are you familiar with that name?

15 A. Dr. Coleman, yes. She's a minister.

16 Q. Here in Virginia Beach?

17 A. Yes.

18 Q. Do you know which church she's  
19 associated with?

20 A. New Jerusalem Ministries.

21 Q. What knowledge do you expect her to have  
22 about this lawsuit?

23 A. She's a former candidate. In the City  
24 of Virginia Beach.

25 Q. Is she an African American woman?

1 A. She is.

2 Q. Andrew Jackson is another name that was  
3 provided. You're familiar with that name?

4 A. I am.

5 Q. What would you expect Mr. Jackson to  
6 have knowledge about in this lawsuit?

7 A. Mr. Jackson is a two-times candidate for  
8 City Council in the -- I do believe twice in the  
9 City of Virginia Beach. And so he would have a  
10 direct impact. There would have been direct impact  
11 to him in running for office.

12 Q. Shewling Moy is a name we've talked  
13 about a little bit today already. You identified  
14 her as an Asian American; is that correct?

15 A. Chinese Asian. Chinese American. Yeah.

16 Q. You referenced one phone call already.  
17 Have you had any other discussions with Ms. Moy  
18 beyond the phone call you already discussed?

19 A. We attended the -- I think we both  
20 attended the disparity study. I believe. I  
21 believe. I can't...

22 The report that they had over here.  
23 What was it, at the Gido -- Di -- Didos -- Zidos,  
24 Zeiders, whatever. What is that?

25 MR. BOYNTON: Zeiders American Theater?

1 I can be useful once a day.

2 A. Yes. I believe -- I do believe she was  
3 in attendance there and I do believe we conversated  
4 there.

5 BY MR. HARRIS:

6 Q. We've made reference to this name  
7 already today once. Gary McCollum is another name  
8 produced. Are you familiar with Mr. McCollum?

9 A. Yes.

10 Q. What knowledge would you expect Mr.  
11 McCollum to have regarding this lawsuit?

12 A. He is a former candidate here in the  
13 City of Virginia Beach. He ran for State Senate.  
14 So he would have some knowledge with regards to the  
15 make-up and his experience.

16 Q. Have you had any conversations with Mr.  
17 McCollum about this lawsuit specifically?

18 A. We have not.

19 Q. Elizabeth Mills was another name you  
20 provided. Can you tell me who that is?

21 A. The name I've heard. I do believe I've  
22 heard. But I cannot recall the relationship. It  
23 may have been somebody that I knew awhile back and  
24 it's been awhile, so...

25 Q. Just a couple more. I promise.



1 Jose Flores was a name we were provided.

2 A. Okay. Okay. That's Reverend Joe. We  
3 call him Reverend Joe. And he ran as well for City  
4 Council. Unfortunately, he passed away, I would say  
5 within the last few months.

6 Q. Ma'am, I assure you this is a standard  
7 question I ask everyone that I depose, but have you  
8 ever been convicted of a crime involving lying,  
9 cheating, or stealing?

10 A. No. I'm the daughter of a minister.

11 Q. That's right. You told me that.

12 MR. BOYNTON: That would not sit well, I  
13 would imagine.

14 THE DEPONENT: No.

15 MR. HARRIS: All right. Ms. Allen,  
16 that's all the questions I have. I thank you for  
17 your patience with me today and your participation  
18 in this deposition.

19 MS. HARLESS: No questions from me.

20 (Signature not waived.)

21 (The deposition was concluded at  
22 12:48 p.m.)

23

24

25



CERTIFICATE OF DEPONENT

COMMONWEALTH OF VIRGINIA

CITY OF \_\_\_\_\_

Before me, this day, personally appeared Georgia F. Allen, who, duly affirming, states that the foregoing transcript of this deposition, taken in the matter, on the date and at the place set out on the title page hereof, constitutes a true and complete transcript of said deposition.

-----  
Georgia F. Allen

SUBSCRIBED and SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2019, in the jurisdiction aforesaid.

\_\_\_\_\_  
My Commission Expires

\_\_\_\_\_  
Notary Public

1 COMMONWEALTH OF VIRGINIA at large, to wit:

2 I, Juanita Harris Schar, CCR, RMR, CRR,  
3 a Notary Public for the Commonwealth of Virginia at  
4 large, of qualification in the Circuit Court of the  
5 City of Virginia Beach, Virginia, and whose  
6 commission expires April 30, 2022, do hereby certify  
7 that the within named deponent, GEORGIA F. ALLEN,  
8 appeared before me at Virginia Beach, Virginia, as  
9 hereinbefore set forth, and after first duly  
10 affirming before me, was thereupon examined upon her  
11 affirmation by counsel for the respective parties;  
12 that such examination was recorded in Stenotype by  
13 me and reduced to computer printout under my  
14 direction; and that the foregoing constitutes a  
15 true, accurate, and complete transcript of such  
16 examination to the best of my ability.

17 I further certify that I am not related  
18 to nor otherwise associated with any counsel or  
19 party to this proceeding, nor otherwise interested  
20 in the event thereof.

21 Given under my hand and notarial seal  
22 this 16th day of September, 2019, at Virginia Beach,  
23 Virginia.

24 -----  
25 Notary Public

Certified Court Reporter No. 0313085

<b>A</b>	<b>actively</b> 65:22 101:21	54:16 55:7 57:14 62:23	126:11 127:4	5:19 6:21,24
<b>A-C-P</b> 33:5	<b>activist</b> 90:10	63:16 64:12,24	<b>Allen's</b> 115:7	13:8 16:24
<b>A-L-I-C-I-A</b> 119:3	<b>actual</b> 80:4 89:3	65:20 67:23	<b>allow</b> 6:10 94:12	18:18 20:10
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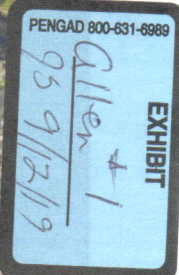
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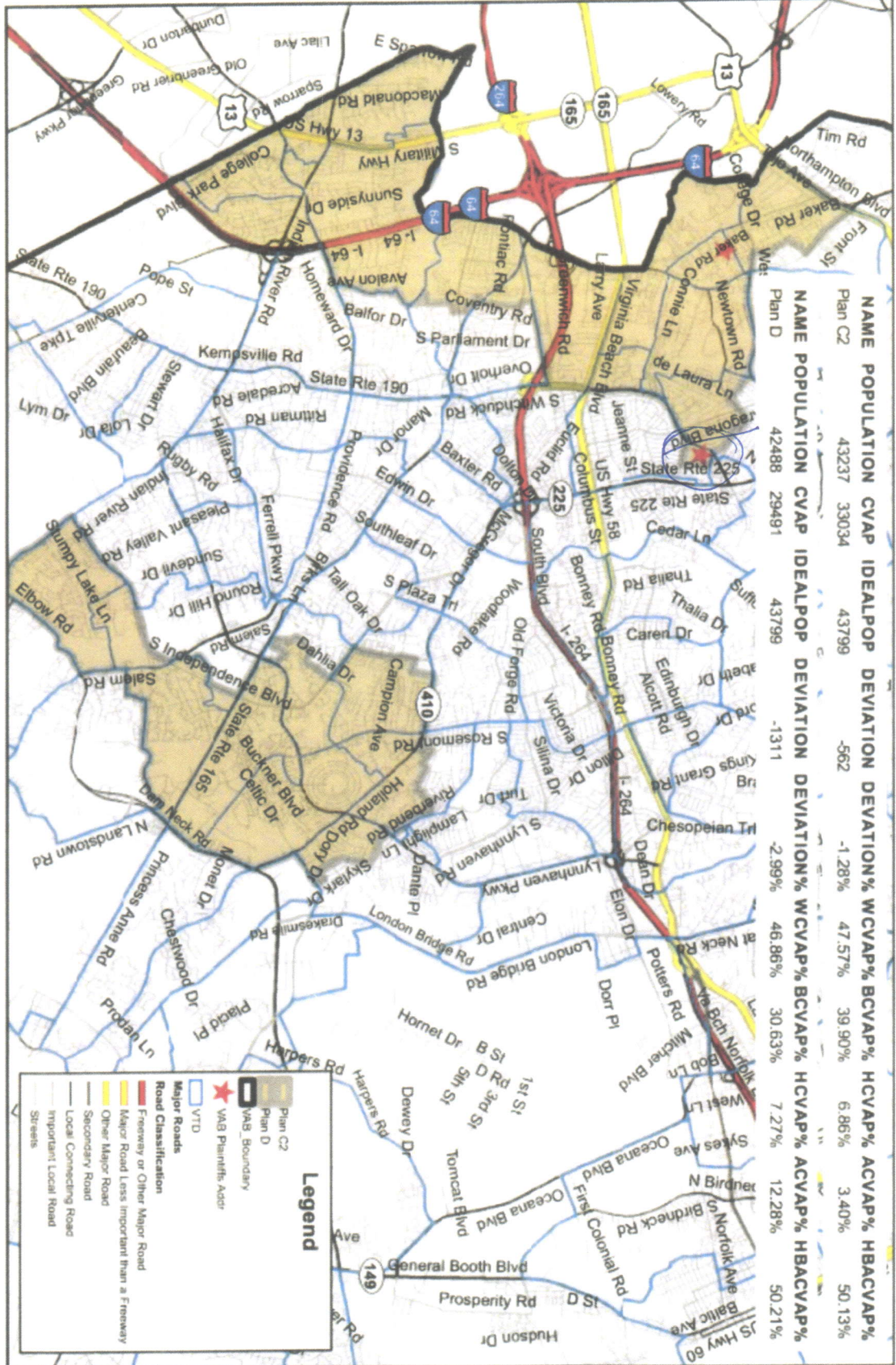
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<b>wouldn't</b> 43:18 114:19	<b>ZIP</b> 12:16	<b>2:18-cv-69</b> 3:21 <b>20</b> 54:15,25 68:8 <b>2000</b> 107:11 <b>2001</b> 32:23 33:2 33:11 34:10 35:6 36:1,4 37:1 38:6,10	<b>2020</b> 72:21 <b>2022</b> 127:4 <b>2040</b> 71:13,18,19 71:20 73:18 74:6,7,15 75:2	<b>8</b>
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<b>Wright</b> 33:16 34:4	<b>0313085</b> 127:19	<b>2:18-cv-69</b> 3:21 <b>20</b> 54:15,25 68:8 <b>2000</b> 107:11 <b>2001</b> 32:23 33:2 33:11 34:10 35:6 36:1,4 37:1 38:6,10	<b>2020</b> 72:21 <b>2022</b> 127:4 <b>2040</b> 71:13,18,19 71:20 73:18 74:6,7,15 75:2	<b>9</b>
<b>written</b> 41:18 113:9		<b>2:18-cv-69</b> 3:21 <b>20</b> 54:15,25 68:8 <b>2000</b> 107:11 <b>2001</b> 32:23 33:2 33:11 34:10 35:6 36:1,4 37:1 38:6,10	<b>2020</b> 72:21 <b>2022</b> 127:4 <b>2040</b> 71:13,18,19 71:20 73:18 74:6,7,15 75:2	<b>9</b> 27:4,6 <b>9:03</b> 3:5 <b>93</b> 10:14 <b>94</b> 10:14
<b>wrong</b> 35:21 62:3 92:7 118:25 119:2		<b>2:18-cv-69</b> 3:21 <b>20</b> 54:15,25 68:8 <b>2000</b> 107:11 <b>2001</b> 32:23 33:2 33:11 34:10 35:6 36:1,4 37:1 38:6,10	<b>2020</b> 72:21 <b>2022</b> 127:4 <b>2040</b> 71:13,18,19 71:20 73:18 74:6,7,15 75:2	
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# Virginia Beach, Virginia



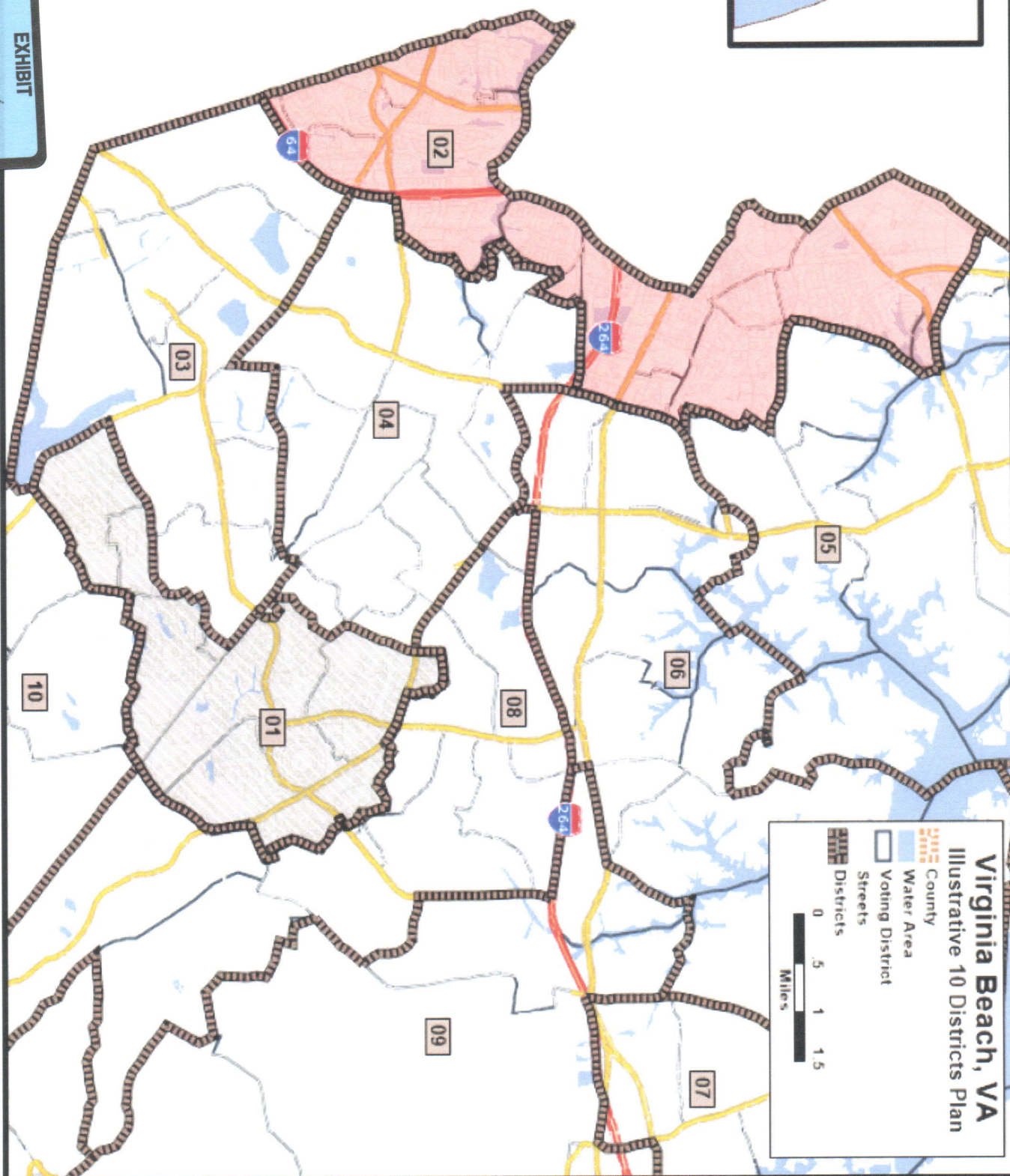
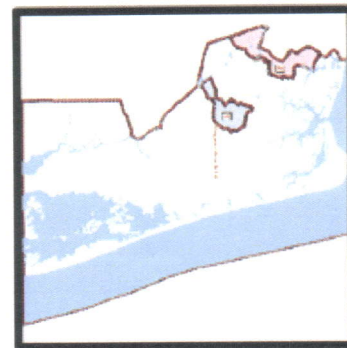
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EXHIBIT

Allen  
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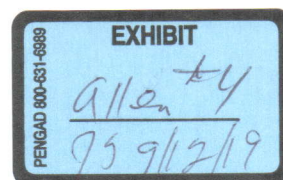


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Expert Report of Anthony E. Fairfax  
Response to Peter Morrison's Report

Anthony E. Fairfax  
16 Castle Haven Road  
Hampton, VA 23666  
August 26, 2019



## **I. Introduction**

I have been retained by counsel representing the Plaintiffs in this lawsuit (*Holloway, et al v City of Virginia Beach et al*) to determine whether it is possible to draw an Illustrative Plan with one or more majority Latino (Hispanic), Black, and Asian (“HBA”) combined districts in the City of Virginia Beach, VA. In addition, I was also asked to review past and recent demographics pertaining to the city.

This additional report serves as a response to Dr. Peter A. Morrison’s report (dated August 12, 2019) which evaluated my initial July 15<sup>th</sup> report expert report.

My qualifications can be found in my prior expert report and I am being compensated at a rate of \$180 per hour.

## **II. Background**

The City of Virginia Beach, VA currently has an eleven-member City Council structure. Three (3) Council members and the Mayor serve “at large” with no district residency requirement. The other seven (7) council members are required to live in the district that they represent. However, all city council members are elected at large and not within the district that they represent.

On July 15, 2019 I submitted an expert report for this case that presented my finding that the minority population in the city of Virginia Beach, Virginia was sufficiently large and geographically compact to constitute two majority Hispanic, Black, and Asian (“HBA”) combined districts. On August 12, 2019, Dr. Peter A. Morrison submitted his evaluation of my initial expert report.

## **III. Summary of Dr. Morrison’s Findings and Response**

The report of Dr. Morrison outlines several disagreements with my initial report. The first is that he claims the Illustrative Plan’s majority minority districts’ Total HBA Citizen Voting Age Populations (“CVAP”) do not constitute a majority. Using an Iterative Proportional Fitting (IPF) technique, he calculates the CVAP of the two districts as 49.9% (District 1) and 49.6% (District 2) versus my calculations of 50.03% for District 1 and 50.04% for District 2. The second disagreement centers around alleged inconsistencies in the census block data reflecting the CVAP values. Finally, his last disagreement with my initial report lies with the use of Hispanic, Black and Asian populations combined. He states that this presumes that political cohesiveness exists between Hispanics, Blacks, and Asians. I address each of Dr. Morrison’s claims below.

Dr. Morrison’s three claims pertaining to my initial report are incorrect, and do not change my conclusions in this case. First, several illustrative plan districts that significantly exceed a majority (50%) of CVAP can be drawn, and the initial Illustrative Plan was shown to further exceed 50% CVAP when the addition of the Black and White combined race category data is included (51.11% and 51.08% for District 1 and 2, respectively).<sup>1</sup> Several alternative plans were found to exceed 50% by almost 6% (55.7%) for District 1 and almost 3% (52.7%) for District 2.

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<sup>1</sup> The Black and White race category includes those persons who select both Black (or African American) and White race categories on the census survey form.

A single majority HBA district was also developed that exceeded 50% by more than 8% (58.9%). These alternative plans clearly verify that at least one majority HBA CVAP district can be developed and developed to eliminate any "point" estimate issues.

Dr. Morrison's claim of inconsistent data is inaccurate and irrelevant. If districts were made up of a few census blocks, Dr. Morrison's point might carry more weight. However, the Illustrative Plan's districts and alternative plans' districts are made up of hundreds of census blocks, which diminishes the census block data variations to virtually nil. The change in final district's HBA CVAP percentages were found to be extremely small and, in most cases, significant only to the third decimal place.

Finally, Dr. Morrison's claim that I presume cohesiveness among Hispanic, Black, and Asian voters was simple to address, since considering it is not part of the *Gingles* first prong precondition, and thus is not analyzed in this report. Also, the data indicates that the Hispanic, Black, and Asian populations tend to reside in the same communities. This analysis was shown in my initial expert report, is un rebutted by Dr. Morrison, and is reiterated in this response report.

Despite Dr. Morrison's claims, the HBA population in Virginia Beach is sufficiently large and geographically compact to constitute a majority in two single-member districts that would likely be able to elect their candidates of choice.

Although Dr. Morrison may prefer the IFP method for disaggregation, the Maptitude method of disaggregation that I used is also a commonly used and reliable technique that produces accurate results. Further, when black and white combined data is considered, Districts 1 and 2 in the Illustrative Plan have even higher CVAP percentages.

In addition to the Illustrative Plan that I included in my initial report, it is possible to draw a number of additional alternative plans with two majority HBA CVAP districts. When analyzing all of the plans using total population, VAP, and CVAP, there are only two instances where the HBA percentage are below 50% (Both of these instances are using 2010 VAP data that were surveyed years ago (the Illustrative Plan and Alternative 4 plan)).

It is also possible to draw plans with at least one HBA majority CVAP district, which is still more than contained in the current City Council plan (which has zero). It is also possible to draw a majority Hispanic and Black CVAP district.

Dr. Morrison's conclusion about the inconsistent disaggregation of data at the census block level is meritless in practice. The Illustrative Plan's districts consist of hundreds of census blocks, which diminishes any variation from the disaggregation process, and the differences are minute with no practical impact on my results or conclusions.



#### IV. Response to Dr. Morrison's Claim Regarding CVAP of Districts 1 and 2 in Illustrative Plan

Dr. Morrison's claim that the Illustrative Plan's Districts 1 and 2 do not have a majority HBA CVAP relies on his use of an alternative disaggregation method, Iterative Proportional Fitting ("IPF"), that he alleges results in CVAP values of 49.99% for District 1 and 49.96% for District 2. He also argues that the majority HBA CVAP percentages of 50.03% (District 1) and 50.04% (District 2) that I report are "point estimates" and "razor-thin."

First, it is important to note that assuming that Dr. Morrison's IPF disaggregation process is correct, it only yields a difference of .04% for District 1 and .08% for District 2.<sup>2</sup> These amounts on their face are extremely negligible, especially when considering that two different techniques were used. Dr. Morrison's calculated amounts also clearly round to 50%. Further, the Maptitude disaggregation process that I utilized is a commonly used and accepted method in the field, and it provides accurate estimates.<sup>3</sup> However, even if Dr. Morrison calculated his estimates correctly and even if his preferred method for disaggregation were accepted, his point is also ultimately irrelevant, because it is possible to produce a number of additional alternative plans with two majority HBA CVAP districts with higher percentages.

In addition, the initial Illustrative Plan's HBA CVAP percentages for District 1 and District 2 are higher when considering the Black and White combined race categories, as presented on page 21 and Appendix D of my initial report, and Table 1 below. District 1 increases to 51.11% while District 2 increases to 51.08% (see Table 1). Given the small differences (.04% and .08%) in the two disaggregation processes, if Dr. Morrison added the Black and White race categories using the IPF techniques, his calculations should yield similar outcomes to the ones that I obtained. Consequently, adding Black and White race categories, Districts 1 and 2 clearly exceed 50% majority-minority HBA CVAP.

Table 1 – Illustrative Plan - HBA & HBA plus B/W using CVAP (2013-17 ACS)			
District	CVAP 13-17ACS	HBA CVAP 13-17ACS	HBA CVAP plus Black/White 13-17ACS
1	29761	14888	15210
2	32804	16415	16755
District	% CVAP 13-17ACS	% HBA CVAP 13-17ACS	% HBA CVAP plus Black/White 13-17ACS
1	29761	50.03%	51.11%
2	32804	50.04%	51.08%

Source: U.S. Census Bureau 2013-2017 5 Year ACS Block Group data, Maptitude for Redistricting Illustrative Plan  
Note: 13-17ACS - 2013-2017 5-Year ACS; Black/White included Black and White combined race persons

<sup>2</sup> Even this amount may be explained due to Dr. Morrison apparently using Total Population as the weighted census block to block group ratio instead of Voting Age Population (VAP) as I used, which is not an apples-to-apples comparison. For the analysis I present here, VAP is the more accurate weighted ratio to use since it is closer to the true citizen voting age population.

<sup>3</sup> Further discussion of Maptitude's disaggregation techniques is included in the section of my report below addressing Dr. Morrison's claim regarding alleged inconsistent census block values (see Section V).

Second, as I mentioned above, the Illustrative Plan is not the only possible way to draw two single-member majority HBA CVAP districts for the city of Virginia Beach, VA. As stated in the conclusions of my initial report, the Illustrative Plan is only demonstrative and a number of other configurations that result in two majority HBA CVAP districts can be drawn. I include three additional plans with two majority HBA-CVAP districts below.

For instance, with only minor changes to the districts, an alternative plan (Alternative 1) can be created with an HBA CVAP percentage of 51.50% for District 1 and 51.63% for District 2 (see Table 2 and Figure 1).<sup>4</sup>

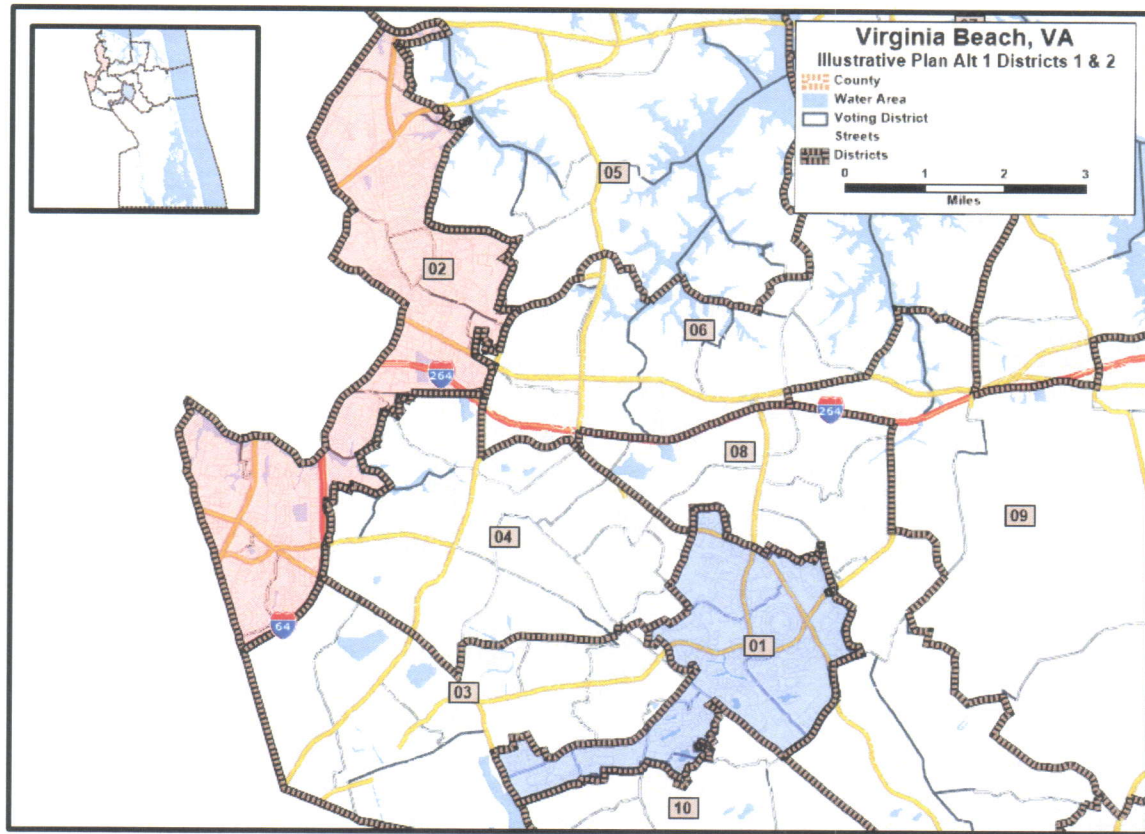
In addition to containing a majority of single race alone HBA CVAP, the HBA CVAP% including persons that identify as *both* Black and White in Districts 1 and 2 in the Alternative 1 plan yields percentages of 52.64% and 52.62% HBACVAP, respectively (see Appendix A).

<b>Table 2 – Illustrative Alternative 1 Plan - Major Race/Ethnicity using CVAP (2013-17 ACS)</b>							
<b>District</b>	<b>CVAP 13-17ACS</b>	<b>Dev</b>	<b>HCVAP 13-17ACS</b>	<b>WCVAP 13-17ACS</b>	<b>BCVAP 13-17ACS</b>	<b>ACVAP 13-17ACS</b>	<b>HBACVAP 13-17ACS</b>
1	28300	-2091	2119	12609	9056	3407	14575
2	32634	-1822	2346	15004	13141	1387	16851
<b>District</b>	<b>% CVAP 13-17ACS</b>	<b>% Dev</b>	<b>% HCVAP 13-17ACS</b>	<b>% WCVAP 13-17ACS</b>	<b>% BCVAP 13-17ACS</b>	<b>% ACVAP 13-17ACS</b>	<b>% HBACVAP 13-17ACS</b>
1	28300	-4.77%	7.49%	44.55%	32.00%	12.04%	51.50%
2	32634	-4.16%	7.19%	45.98%	40.27%	4.25%	51.64%

Note: 13-17ACS - 2013-2017 5-Year ACS

Source: U.S. Census Bureau 2013-2017 5 Year ACS Block Group data, Maptitude for Redistricting Illustrative Plan

<sup>4</sup> As with the initial Illustrative Plan, the alternative plan's HBA CVAP totals were summed prior to disaggregation, thus minimizing the potential disaggregation error from three (Hispanic, Black, and Asian CVAP summed together) to one HBA CVAP total. This technique minimizes the disaggregation error associated with the totals, specifically when the total is the focal point (as with a majority minority determination). Thus, the disaggregated totals for Hispanic, Black and Asian combined may not add to the HBA CVAP totals. The Total Pop HBA using the 2013-2017 was calculated by summing the three fields together (See Appendix A).

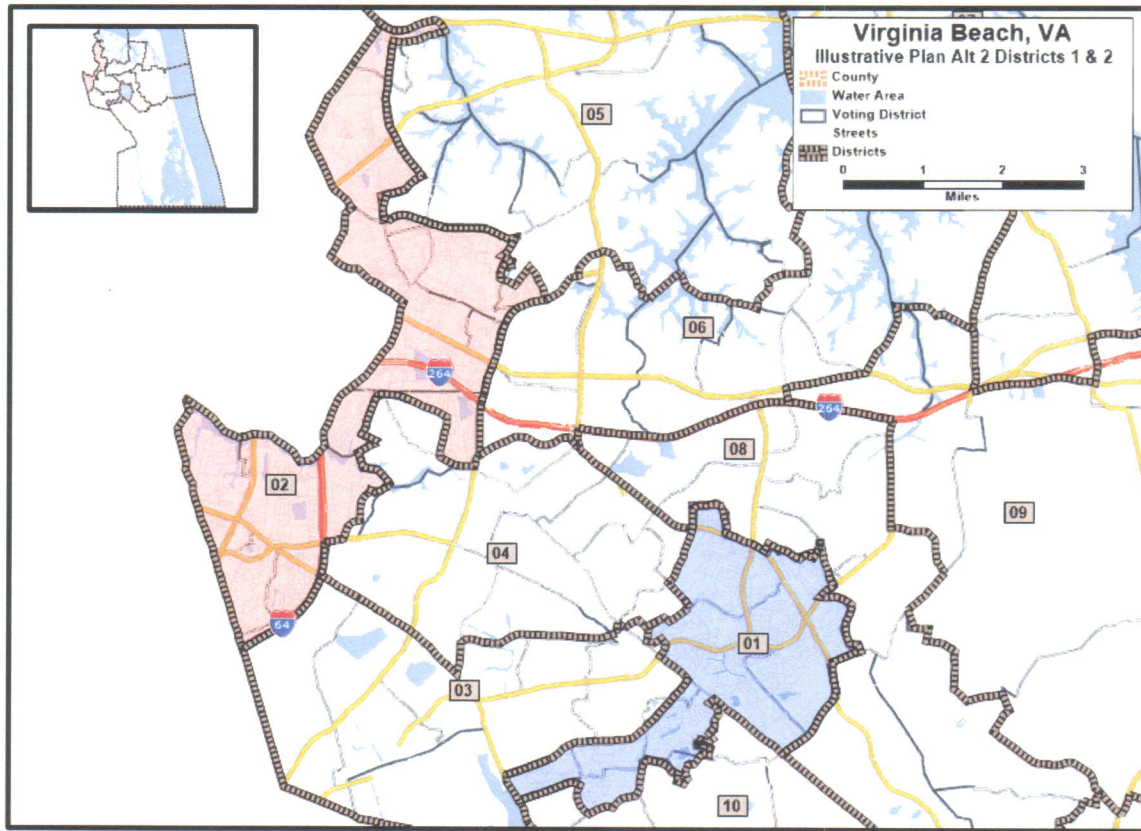


Source: Illustrative Alternative 1 Plan for Virginia Beach, VA using Maptitude for Redistricting

**Figure 1** – Virginia Beach Illustrative Alternative 1 Plan with Two Majority HBA CVAP Districts with slight changes

It is also possible to draw a second alternative plan (Alternative 2) with two single-member majority HBA CVAP districts, using census block groups only (see Figure 2). Alternative 2 has a HBA CVAP of 51.04% for District 1 and 51.07% for District 2, respectively (increased to 52.15% for District 1 and 52.12% District 2 when Black and White combined data is considered). This plan will be discussed further in Section V.





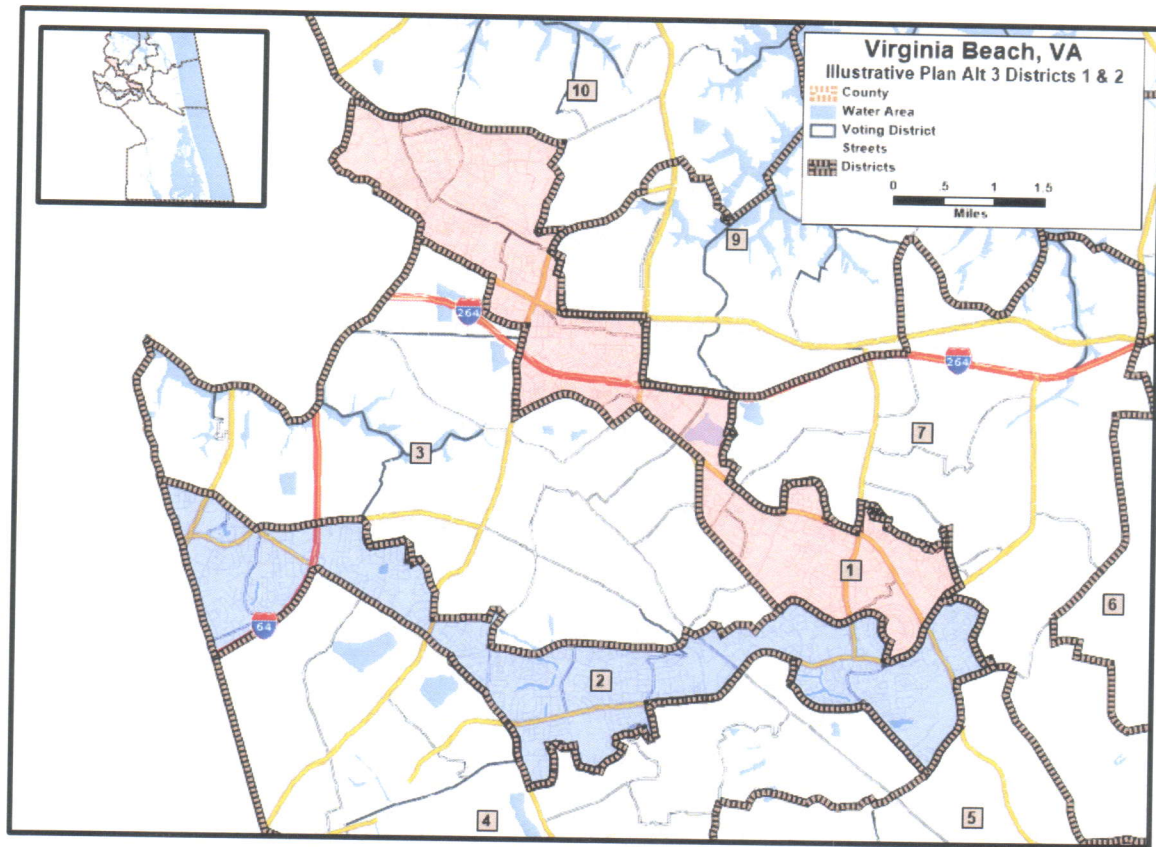
Source: Illustrative Alternative 2 Plan for Virginia Beach, VA using Maptitude for Redistricting

**Figure 2 – Virginia Beach Illustrative Alternative 2 Plan with Two Majority HBA CVAP Districts using Block Groups Only**

A third alternative plan (Alternative 3) includes two districts with HBA majority CVAP percentages and encompass different geographic locations than the initial Illustrative Plan (see Figure 3). The total HBA CVAP percentages in Alternative 3 are 54.47% for District 1 and 51.92% for District 2. When the Black and White combined data is considered, the percentages increase to 55.72% for District 1 and 52.75% for District 2.

Alternative 3 also reveals that a Majority Hispanic, Black, and Asian combined district using the 2010 Voting Age Population (VAP) data could have been developed. The HBA VAP in 2010 would have been the likely dataset that would have been used if the city of Virginia Beach chose to develop a majority HBA VAP district during the 2010 redistricting cycle.<sup>5</sup> District 1's VAP in 2010 is 54.05% and District 2 is 51.32% using 2010 VAP census data (see Appendix A).

<sup>5</sup> The CVAP data that would have also been available during the 2010 redistricting cycle would have been the 2005-2009 5-Year ACS. This dataset would most likely have been too old to use (since its midpoint is 2007) and thus reliance on 2010 VAP would have been more likely.



Source: Illustrative Alternative 3 Plan for Virginia Beach, VA using Maptitude for Redistricting

**Figure 3 – Virginia Beach Illustrative Alternative 3 Plan with Two Majority HBA CVAP Districts in different geographic locations**

Further, given that it is possible to draw multiple plans with two majority HBA combined CVAP districts, it is also possible to draw a plan that at the very least contains one majority HBA CVAP district. The current City Council plan has zero majority HBA combined CVAP districts (see Appendix D in my initial report). Nothing in Dr. Morrison's report disputes this point. The first *Gingles* precondition reads:

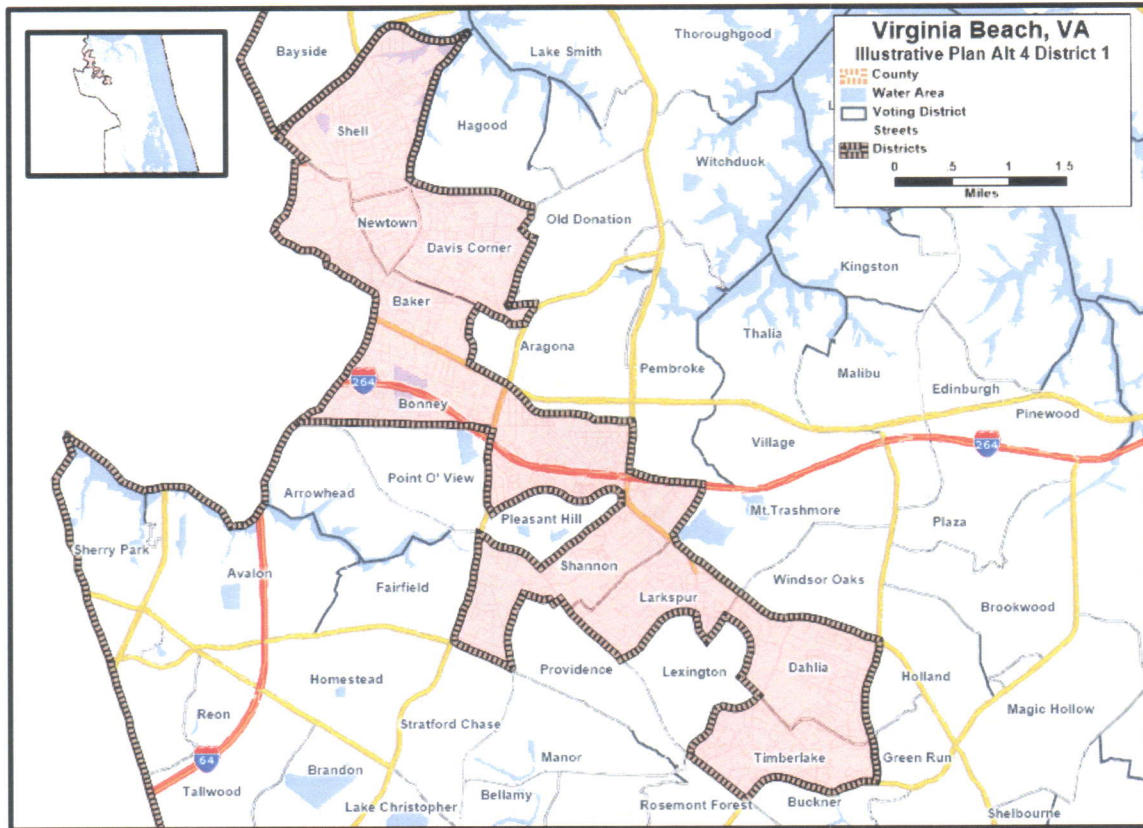
"The minority group must be able to demonstrate that it is sufficiently large and geographically compact to constitute a majority in a single-member district."<sup>6</sup>

<sup>6</sup> *Thornburg v. Gingles*, 478 U.S. 30 (1986)



Therefore, as long as at least *one* majority HBA combined CVAP district can be drawn, the first *Gingles* precondition would be satisfied. It is possible to draw several plans with one HBA combined CVAP district, and I include an example, Alternative 4, below.

Alternative 4 (Figure 4) includes a single member district with an HBA CVAP percentage of 50.58% (51.46% with the addition of Black and White combined data). This Majority HBA CVAP district did not split any Voting Tabulation Districts (VTDs).<sup>7</sup>

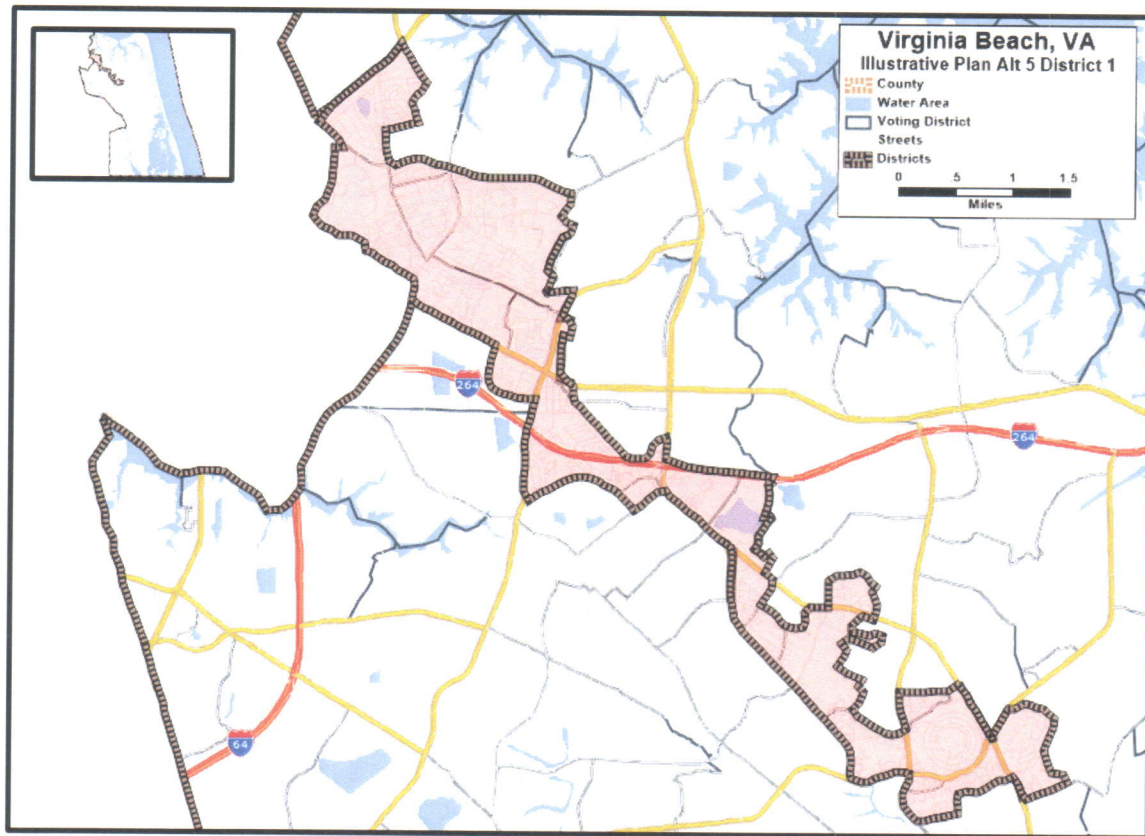


Source: Illustrative Alternative 4 Plan for Virginia Beach, VA using Maptitude for Redistricting

**Figure 4** – Virginia Beach Illustrative Alternative 4 Plan with a Majority HBA CVAP District w/No Split VTDs

<sup>7</sup> Voting Tabulation Districts are generated by the Census Bureau and commonly used synonymously as precincts during the redistricting process. VTDs follow census block boundaries while precincts may not.

In addition, although the focus of the analysis was to draw majority Hispanic, Black and Asian combined districts, another plan alternative was generated that verifies that, at a minimum, a majority Hispanic and Black CVAP district can be drawn (see Figure 5). Alternative 5 shows a majority district with a Hispanic and Black CVAP of 51.04%. When Black and White combined data is considered, the district's CVAP increases to 52.17%.<sup>8</sup>



Source: Illustrative Alternative 5 Plan for Virginia Beach, VA using Maptitude for Redistricting

**Figure 5** – Virginia Beach Illustrative Alternative 5 Plan with a Majority Hispanic and Black CVAP District

Finally, the analysis that I performed utilized 2013-2017 5-Year ACS as the most recent data to determine district HBA CVAP percentages. These data as well as the 2010 decennial data provide numbers that occur in the past and not current demographics. Comparing the 2013-2017 5-Year ACS with the 2008-2012 5-Year ACS, the city of Virginia Beach increased 1.55% in its HBA CVAP percentage. The one-year 2017 ACS data for the city shows that there was an additional 1.75% increase in HBA CVAP percentage. Given that the HBA CVAP population in

<sup>8</sup> Alternative Plan 5 has a HBA CVAP percentage of 57.75% (58.89% with the addition of Black and White race combined data).

Virginia Beach has grown considerably over the past two decades and continues to increase, the illustrative and alternative plans' current HBA CVAP percentages for the majority-minority districts are ultimately likely to be higher than the values shown in this report's analysis.

#### **V. Response to Dr. Morrison's Claim of Inconsistent Disaggregated Data**

Dr. Morrison claims that the disaggregated census block data used to generate the total Hispanic, Black and Asian combined CVAP is "untrustworthy." This claim is meritless. Dr. Morrison points to examples where the block level data shows instances where the CVAP is exceeded by the combined values of Hispanic, Black, and Asian CVAP populations. However, the CVAP may exceed the combined values of Hispanic, Black, and Asian CVAP populations at the census block level and still be trustworthy data at the district and other geographic levels.

If we were interested in analyzing a district the size of a single census block or a small number of census blocks, it is possible that errors in the disaggregation process may be worth considering. However, that is not the case here. Each city council district in the illustrative plans consists of *hundreds* of census blocks, not a handful that would amplify the disaggregation error.

In order to demonstrate why the CVAP data totals occasionally have census blocks that are exceeded by the combined values of Hispanic, Black, and Asian CVAP populations, I will explain the Maptitude for Redistricting ("Maptitude") disaggregation process.<sup>9</sup>

The Maptitude software includes a process that disaggregates a population value of a larger geographic area to a lower sub geographic area.<sup>10</sup> This disaggregation is necessary when drawing a redistricting plan in order to assess the CVAP populations within the district. In this particular case, Maptitude was used to disaggregate CVAP data from the block group level to the census block level. Census blocks are the building blocks of districts.

The following is a simple example to calculate CVAP for a census block. If the VAP of a census block group contains 1,000 people and a census block contained within the block group contains 100 people, Maptitude would use 10% or multiply by .1 to determine the CVAP at the block level. Thus, if 500 persons was the CVAP for the block group, 50 would be the estimated CVAP for the census block.

This straightforward example provides the first step in Maptitude's disaggregation process. However, there are many instances when the estimate for the census block equals an integer (a positive whole number) plus a fraction of persons (e.g, 4.5 persons). Because of this occurrence, Maptitude adds a second step. The second step ensures that all blocks contain whole numbers.

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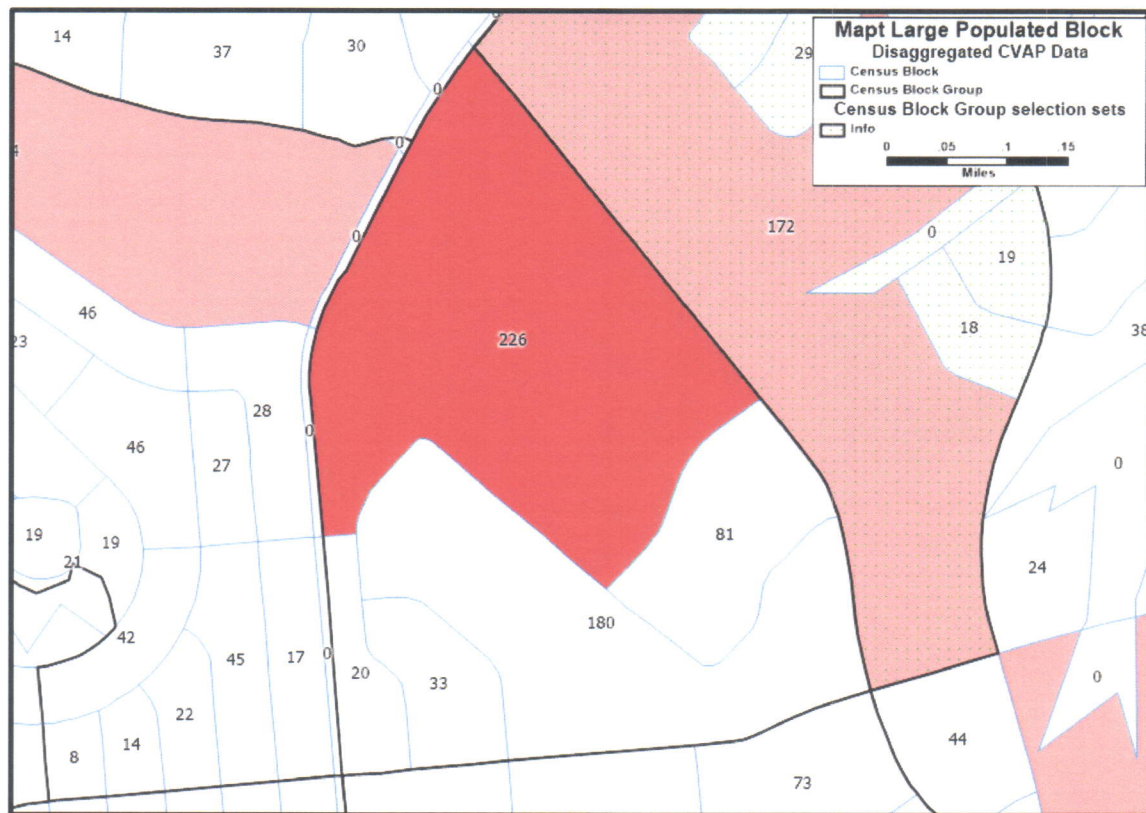
<sup>9</sup> Maptitude is one of the most commonly used software systems by state and local governments, educational institutions, and interest groups for drawing redistricting plans (See Appendix C for partial client list via Caliper website. Source: <https://www.caliper.com/mtrnews/clients.htm>).

<sup>10</sup> Maptitude has two different disaggregation functions. One for wholly contained matching census geography (which was used in this effort) and the other for non-wholly contained and overlapping geographic areas.



The second step<sup>11</sup> strips the fractions of persons and assigns them to the largest populated block within the block group. The assignment of these persons eliminates the fractions of persons and increases the population of the largest populated block, but not by a significant amount in most cases.

Figure 6 below shows an actual and typical example of Maptitude's disaggregation process. Figure 6 shows block group 518100422024 in Virginia Beach, VA. It consists of 5 census blocks. The bright red color highlights the largest populated block. The number within each block contains the disaggregated CVAP for each census block.



Source: Maptitude for Redistricting data for Virginia Beach, VA

**Figure 6 – Block Group 518100422024 Highlighting Largest Populated Block**

<sup>11</sup> Regarding this second step, the Maptitude for Redistricting Documentation states: *Each user attribute field is disaggregated to the Census Block level by distributing the count for each higher-level district to its component blocks or block pieces. The portion assigned to each piece is determined using a weighting field (e.g. Population). These values are truncated to integers, any block count below the minimum threshold is changed to zero, and finally any remainder is then assigned to the largest component block in the district. Where two or more districts intersect a block, each will contribute to the block. The result is an attribute field at the block level containing the disaggregated data. The documentation uses the term "district" in place of the commonly used geographic area such as block group or VTD.*

The disaggregation process of Maptitude that determines the CVAP for each block is shown in tabular form in Table 3. The first column is the short label of the block ID. Each row represents a different census block with the largest populated block at the bottom. The second column contains the VAP for each census block while the third column contains the VAP for the block group. The fourth column is the weighted amount that will be used to determine the CVAP at the block level. This is calculated by using the block VAP divided by the block group VAP.

The fifth column shows the CVAP for the block group that will be divided up to each census block. The sixth column (Step 1 DisAggr) contains the calculated CVAP for each census block. It is calculated by multiplying the Weighted % by the block/block group CVAP.

The seventh column displays whole CVAP without the fractional amount for each census block. The eighth column provides the fractional change in each census block population due to stripping away or adding to the largest populated block (1.26012 persons). The ninth column shows the stripped away disaggregated CVAP amount for each block except for the largest populated block that includes the added fractional amount totaling the whole number of 226 (224.73988 plus 1.26012 equals 226).

<b>Table 3 – Block Disaggregation Process for Block Group 518100422021</b>								
<b>BlockID</b>	<b>VAP Block</b>	<b>VAP BG</b>	<b>Weight %</b>	<b>CVAP BG</b>	<b>Step 1 DisAgg1</b>	<b>Stripped</b>	<b>Fraction Change</b>	<b>Step 2 DisAgg2</b>
004	26	692	3.8%	540	20.28902	20	-0.28902	20
003	43	692	6.2%	540	33.55491	33	-0.55491	33
002	104	692	15.0%	540	81.15607	81	-0.15607	81
001	231	692	33.4%	540	180.26012	180	-0.26012	180
000	288	692	41.6%	540	<b>224.73988</b>		<b>1.26012</b>	<b>226</b>
<b>Sum of fractions of persons that are added to largest Pop block (000)</b>							<b>1.26012</b>	

Source: Maptitude for Redistricting census block disaggregated data; U.S. Census Bureau American Community Survey 2013-2017 5-Yr data, 2010 Decennial Population data; Report calculations using Maptitude for Redistricting disaggregation technique.

#### Measuring the Impact of the Largest Populated Block Disaggregation Technique

The increase in the largest populated block would be worrisome if the city council districts were made up of only a few census blocks. However, the Illustrative Plan's districts are made up of hundreds of census blocks (400 census blocks for District 1 and 633 for District 2 in the initial Illustrative Plan).<sup>12</sup> Thus, aggregating hundreds of census blocks reduces or eliminates any error associated with the assignment of the largest populated block.

<sup>12</sup> Calculated by counting the district's census blocks that are contained within the district plan block assignment or equivalency file.

In order to truly grasp the minute impact of Maptitude's disaggregation technique, I analyzed the entire district to measure the difference. Instead of performing the disaggregation process that was mentioned in Table 3 for a single block group, I perform this analysis on the entire Illustrative Plan.

To perform the analysis, an Excel spreadsheet was setup with all census blocks and the relevant data fields as shown in Table 3. As before, the same calculation of weight%, the first step of disaggregation, the conversion of all census population to integers, and the calculations of the total amount fraction change amount are included.

The key to analyzing the effect of adding the largest populated census block lies with summing all of the fractional population pieces that are contained within each district. If an area contains a split block group containing the largest populated census block it will be slightly higher and if the district contains only the remaining census blocks (where the stripped fraction population occurred), it will be slightly lower. However, because the vast majority of split block groups that contain the largest populated block also contain the census blocks that had their population fractions stripped off, the two offset each other.

The proof of this offset lies with the final change in population when all of the fractions of persons and the largest populated block are added together in a district. Table 4 demonstrates that District 1's CVAP was lowered by a little over five (5) people for the entire district (-5.09305). The HBA CVAP was lowered a little less than five persons (-4.63910). District 2 had even less of an impact, with 0.11179 persons for the CVAP and 0.85174 for the HBA CVAP. Given the minute differences, the impact is thus trivial.

Further evidence of this practically non-existent change is seen when the HBA CVAP% is calculated using the values without using the largest populated block and comparing it to Maptitude's disaggregation values (using the largest populated block technique). Calculating disaggregation without using the largest populated block technique is achieved by dividing the HBACVAP17 DisAggr column by the CVAP17 DisAggr column for each district.

The HBA CVAP% calculation appears to be exactly the same when they are compared using two (2) decimal places. Both processes, calculated to 50.03% for District 1 and 50.04% for District 2. In order to view any difference, at least three (3) decimal places must be taken in consideration.<sup>13</sup>

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<sup>13</sup> Three of the other districts (Districts 3-10), showed a difference of .01%.



**Table 4 -Illustrative Plan's Population Impact of Largest Populated Block Technique**

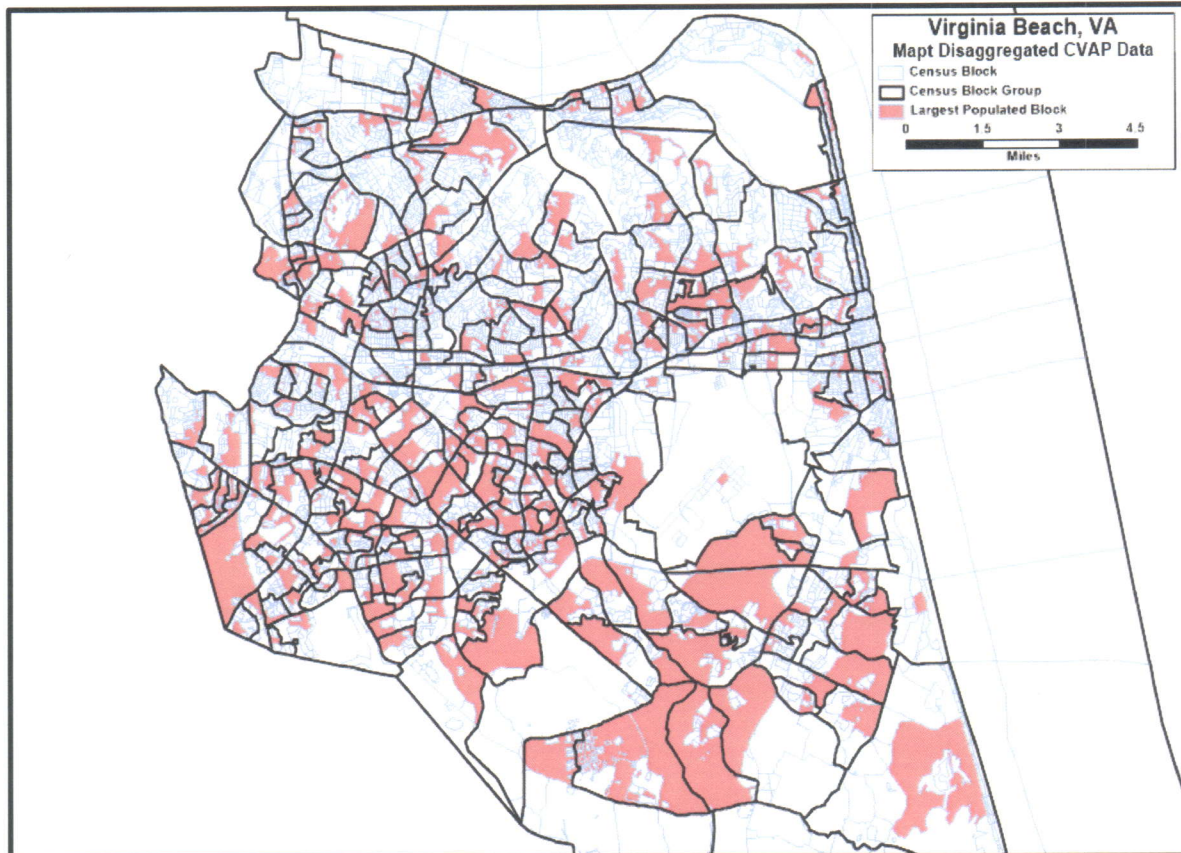
<b>Dist</b>	<b>CVAP17 DisAggr</b>	<b>CVAP17 Strp</b>	<b>CVAP DISAG</b>	<b>CVAP17 Chg</b>	<b>CVAP17</b>		
01	29766.09305	29641	29761	-5.09305	29761		
02	32803.88821	32642	32804	0.11179	32804		
03	31961.85648	31819	31960	-1.85648	31960		
04	33799.93322	33623	33802	2.06678	33802		
05	34688.84486	34407	34689	0.15514	34689		
06	34443.57816	34140	34447	3.42184	34447		
07	35686.66521	35367	35686	-0.66521	35686		
08	33657.33407	33485	33660	2.66593	33660		
09	32840.24399	32637	32843	2.75601	32843		
10	34851.55528	34651	34848	-3.55528	34848		
<b>Dist</b>	<b>HBA CVAP17 DisAggr</b>	<b>HBAC17 Strp</b>	<b>HBA DISAG</b>	<b>HBAC17 Chg</b>	<b>HBA CVAP17</b>	<b>HBA CVAP17% Mapt</b>	<b>HBA CVAP17% Mapt wo/LPB</b>
01	14892.63910	14770	14888	-4.63910	14888		
02	16414.14826	16235	16415	0.85174	16415		
03	13364.47424	13218	13365	0.52576	13365	41.82%	41.81%
04	10612.27770	10435	10612	-0.27770	10612	31.39%	31.40%
05	7131.76589	6861	7133	1.23411	7133	20.56%	20.56%
06	7428.54973	7128	7430	1.45027	7430	21.57%	21.57%
07	5228.71792	4928	5228	-0.71792	5228	14.65%	14.65%
08	9655.04044	9476	9658	2.95956	9658	28.69%	28.69%
09	8862.08495	8665	8863	0.91505	8863	26.99%	26.99%
10	7561.30030	7364	7559	-2.30030	7559	21.69%	21.70%

Source: Maptitude for Redistricting census block disaggregated data; U.S. Census Bureau American Community Survey 2013-2017 5-Yr data, 2010 Decennial Population data; Illustrative Plan Block Assignment List; Results from Microsoft Excel's consolidation function

Note: wo/LDB calculates districts's HBA CVAP% using disaggregation without the Largest Populated Block technique.

In addition, analysis for all of the Alternative Plans reveal that at most the majority HBA CVAP district plans using Maptitude's largest populated block only deviate .03% or less (see Appendix B).

Finally, the random distribution of the largest populated block tends to reduce its impact. This is due to the overpopulation occurring in a random manner as a district splits block groups. Figure 7 below reveals the random nature of the distribution of the largest populated block. There is no geographic pattern associated with its location.



Source: Maptitude for Redistricting Census Block and Block Group Data

**Figure 7** – Depiction of the Largest Populated Census Block

Further evidence that the assignment of the largest populated block with the fractional population is not an issue centers on Dr. Morrison's own results. First, Dr. Morrison validates Maptitude's disaggregation process by replicating the process using his own IPF method and returning virtually the same results. His results for the Illustrative Plan were a 49.99% CVAP for District 1 and 49.96% for District 2. My results, using Maptitude's disaggregation process, were 50.03% for District 1 and 50.04% for District 2, respectively. This yields a difference of .04% for District 1 and .08% for District 2. As stated previously in this report, these amounts are extremely negligible, Dr. Morrison's values round to 50%, and he appears to use a different weighting population (total population) than I do (voting age population).<sup>14</sup>

In addition, Dr. Morrison's results tend to validate the actual amounts that I originally calculated. In essence, two different disaggregation processes were used, and the results were extremely close to each other. This duplicated processing verifies that the disaggregation amounts determined using the Maptitude method are the actual CVAP values for the Illustrative Plan's Districts 1 and 2.

Given all of these factors, I conclude that overall the Maptitude disaggregation process produces reliable disaggregated CVAP values. As I noted above, Maptitude is a widely used application for redistricting and its disaggregation method is a commonly used and reliable technique in the field (see Appendix C).

#### **VI. Response to Dr. Morrison's Claim Regarding an Alleged Assumption of HBA Political Cohesiveness and Communities**

Dr. Morrison states that my use of Hispanic, Black, and Asian population data presumes that political cohesiveness exists between Hispanics, Blacks, and Asians. He states that I "*concocted [an] aggregate of three distinct protected minorities (Hispanics, Blacks, and Asians)*". He also states that: "*This 'tripart minority coalition' district presumes political cohesion among Hispanics, Blacks, and Asians (an embedded assumption without support)*". This argument is nonsensical, for a number of reasons which I outline below.

First, by design, the very purpose of the effort was to focus on whether Hispanic, Black, and Asian CVAP could form a majority in single-member districts. In order to do so, one must consider and aggregate the Hispanic, Black and Asian population data together. It would not make much sense to try to determine whether a majority HBA CVAP district could be drawn by only looking at the black CVAP, for example.

Second, my report provides no opinion on the cohesiveness of minority voters, nor is any proof of the cohesiveness of minority voters necessary to meet the first prong or precondition of *Gingles*.<sup>15</sup> As stated before, the precondition reads:

"The minority group must be able to demonstrate that it is sufficiently large and geographically compact to constitute a majority in a single-member district."

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<sup>14</sup> The data provided by Dr. Morrison did not contain label descriptions, but appear to reflect the use of total population and not voting age population.

<sup>15</sup> *Thornburg v. Gingles*, 478 U.S. 30 (1986)

It is my understanding that the political cohesiveness of the HBA population will be addressed by other experts retained by Plaintiffs.

It is also worth stating that Dr. Morrison does not address at all the analysis shown in my initial report that further shows that Hispanics, Blacks, and Asians share common communities and form communities of interest in Virginia Beach. Dr. Morrison's claims seem to suggest that Hispanics, Black, and Asians do not exist in common communities to form a majority minority district. Again, my unrebutted analysis in my initial report shows that is not the case.

Reviewing census tracts from 1990 to recent years shows a growing community of Hispanic, Black and Asians. In 1990, there was only one majority HBA (Total Population) census tract in the city of Virginia Beach.<sup>16</sup> However, according to the 2013 – 2017 5-Year ACS data (2015MP), 10 census tracts now have a combined HBA majority. These 2013-2017 majority HBA communities<sup>17</sup> are located near the western center of Virginia Beach and toward the west and north-west Norfolk & Chesapeake boundary areas of the city (see Figure 8).

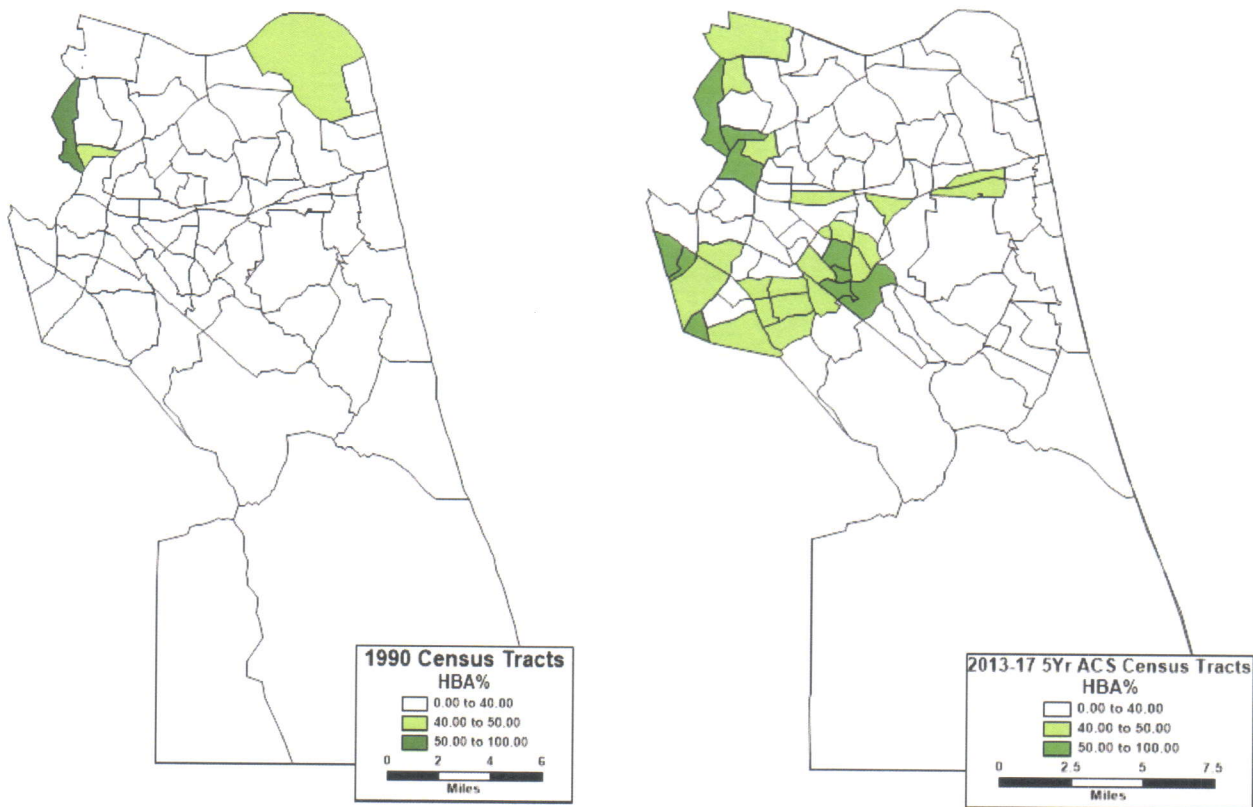
A review of the location of these majority HBA census tracts reveals that they are growing only in certain locations of the city. Simply put, HBA persons have chosen to reside in the same areas of the city.

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<sup>16</sup> 1990 Decennial Census Survey census tract level

<sup>17</sup> A census tract usually contains one or more neighborhoods within its boundary.





**Figure 8 – Virginia Beach, VA Maj. HBA (Total Race) Census Tracts (1990 Decennial Census & 2013-2017 5Yr ACS)**

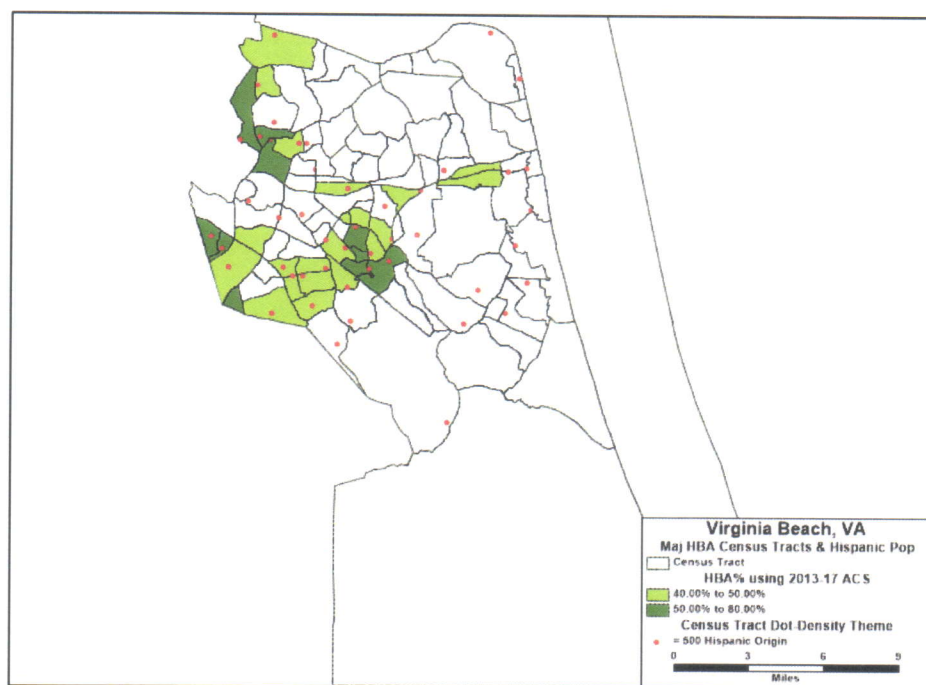
Note: Race categories are Alone (Single Race) Not Hispanic categories

Source: U.S. Census Bureau PL94-171 data for 1990; 2013 - 2017 5-Year ACS data

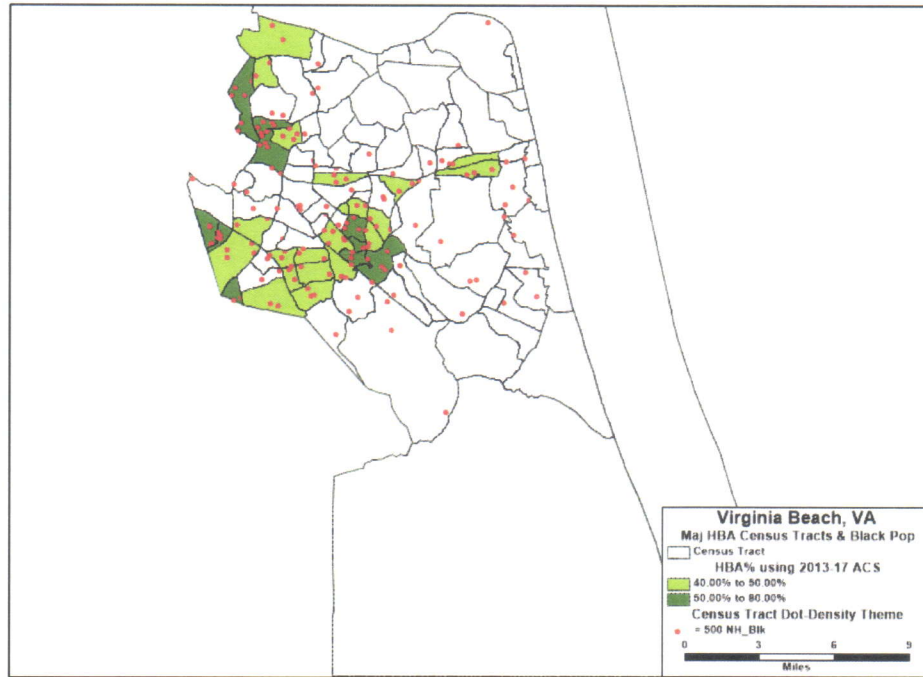
Additional evidence is shown by reviewing the dot density maps. This provides a different perspective yet yields similar conclusions.

Figures 9, 10, and 11 depict the distribution of Hispanic, Black, and Asian populations throughout the city. Each red dot on the map represents 500 persons residing within the census tract for each respective race/ethnicity. Collectively, the red dots of Hispanic, Black, or Asian population are centered mostly around census tracts that are greater than 40% or 50% HBA.

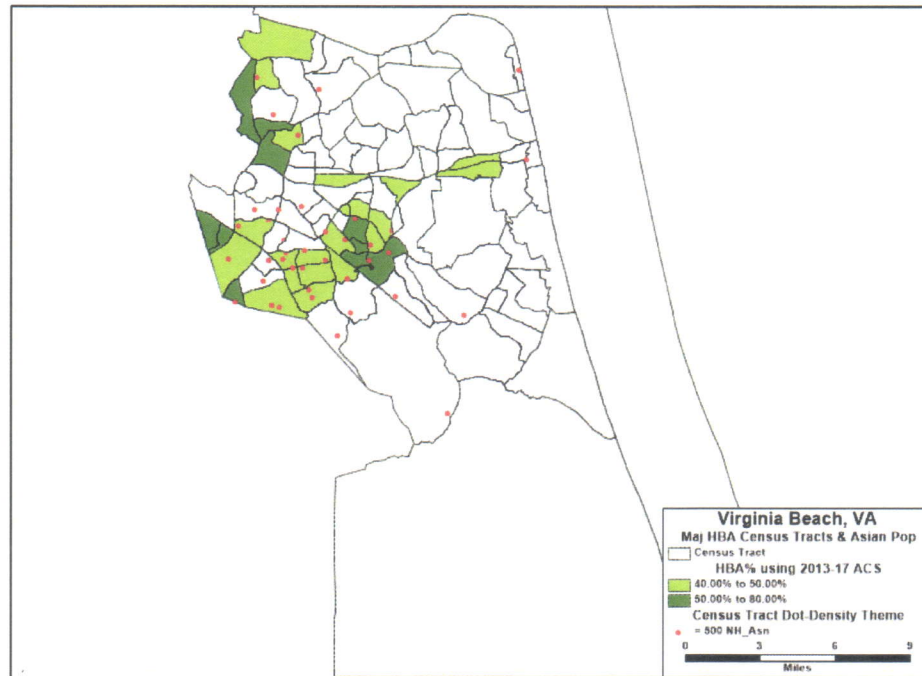
In fact, reviewing data that sums each race/ethnicity in the census tracts that have greater than 40% HBA verifies that most Hispanic, Black, and Asian persons reside in the same communities. Table 5 shows that 31 of Virginia Beach's 100 census tracts contain 54.90% of the HBA combined population. The same census tracts contain 45.50% of the Hispanic population, 59.02% of the Black population, and 52.20% of the Asian population.



**Figure 9** – Virginia Beach, VA Maj. HBA (Total Race) Census Tracts  
(with Hispanic Dot Density Points using 2013-2017 5Yr ACS)



**Figure 10** – Virginia Beach, VA Maj. HBA (Total Race) Census Tracts  
(with Black Dot Density Points using 2013-2017 5Yr ACS)



**Figure 11 – Virginia Beach, VA Maj. HBA (Total Race) Census Tracts (with Asian Dot Density Points using 2013-2017 5Yr ACS)**

**Table 4 – VAB Population of HBA Residing in >40% and >50% HBA Census Tracts**

HBA % CT	# CTs	Hispanic	Black	Asian	HBATTL
>40%	31	13188	49113	13735	76036
>50%	10	4629	22381	4102	31112
City Total	100	28987	83210	26312	138509
HBA % CT	# CTs	Hispanic%	Black%	Asian%	HBATTL %
>40%	31	45.50%	59.02%	52.20%	54.90%
>50%	10	15.97%	26.90%	15.59%	22.46%
City Total	100	100.00%	100.00%	100.00%	100.00%

Note: HBATTL – Total Hispanic, Black, and Asian combined persons (Not Hispanic Black and Asian categories); and CT - Census Tract

Source: U.S. Census Bureau 2013-2017 5-Year ACS data using Maptitude for Redistricting Dataview Statistical Summary option




Finally, not only do the maps show that the Hispanic, Black, and Asian populations tend to reside in HBA census tracts, close inspection of the maps reveals a similar pattern outside of the majority HBA census tracts. Thus, even where a census tract is not majority HBA, the HBA population tends to reside in those areas.

## **VII. Conclusions**

After addressing all of Dr. Morrison's concerns, I stand by my original conclusion that the minority population in the city of Virginia Beach, VA is sufficiently large and geographically compact to enable the creation of two single-member majority Hispanic, Black and Asian combined districts.

I, Anthony E. Fairfax, am over the age of 18 and fully competent to make this declaration. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

  
Anthony E. Fairfax  
August 26, 2019